



FINDINGS, CONCLUSIONS, & ORDER
Conditional Rezone – CR2022-0024

Findings of Fact

1. The applicants, John & Sherry Anderson, are requesting a conditional rezone of 48.17 acres, parcels R36368 & R36368011, from an “A” (Agricultural) zone to a “CR-M-1” (Conditional Rezone-Light Industrial) zone. The request includes a development agreement with conditions and limitations of development to improve compatibility with surrounding properties.
2. The subject property is located at 19372 Lower Pleasant Ridge Rd, Caldwell; also referenced as a portion of the SE¼ of Section 23, Township 4N, Range 4W; BM; Canyon County, Idaho
3. The subject property is designated as “Industrial” on the 2020 Canyon County Comprehensive Plan Future Land Use Map
4. The subject property is located within Greenleaf’s Area of City Impact.
5. The subject property is located within Canyon Highway District No. 4, Caldwell Rural Fire District, Vallivue School District, and Pioneer Irrigation District.
6. The neighborhood meeting was held on February 1, 2022 in accordance with CCZO §07-01-15.
7. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice, JEP A notice, and full political notices were sent on January 1, 2023. Newspaper notice was published on February 2, 2023. Property owners within 600’ were notified by mail on February 3, 2023. The property was posted on February 9, 2023.
8. The record herein consists of exhibits provided as part of the public hearing staff report, exhibits submitted during the public hearing on March 15, 2023 and all information in case file CR2022-0024.

Conclusions of Law

For Case File CR2022-0024, the Hearing Examiner finds and concludes the following regarding the Standards of Review for a Conditional Rezone (§07-06-07(6)):

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed zoning map amendment is consistent with the 2020 Canyon County Comprehensive Plan and Future Land Use Map.

Finding: The 2020 Canyon County Comprehensive Plan Future Land Use Map designates the property as Industrial. The request is consistent with several goals and policies of the Comprehensive Plan, including, but not limited to:

Chapter 1. Property Rights

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Chapter 2. Population

Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Chapter 4. Economic Development

Goal 3. Create new jobs that are sustainable and lasting.

Policy 3. Encourage broad-based economic development programs that include:
a. Natural resources such as agriculture

- b. Commercial development
- c. Industrial development
- d. Tourism expansion and development

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area

Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 2. Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

Policy 3. Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential and industrial zoning districts to help attract development.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The proposed conditional rezone is more appropriate than the current zoning designation.

Finding: The subject parcel and the immediately surrounding area is a planned industrial area with expanding industrial uses and a demand for industrial development sites. Although there are residences in the immediate vicinity the area is trending towards industrial uses. A development agreement is proposed to restrict some uses that would be less compatible with the existing residence in the immediate vicinity.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned by the development agreement (Attachment A), the proposed conditional rezone is compatible with the surrounding land uses.

Finding: The proposed conditional rezone is compatible with the surrounding land uses. Properties adjacent to the north and west are zoned industrial and have had industrial uses present for over a decade. The area contains a large number of active mineral extractions to the north of Simplot Blvd. The predominant zoning districts are industrial and agricultural. The result of the request is consistent and compatible with the character of the area. Light industrial has been planned near the subject site on the Comprehensive Plan dating back to 1979.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As restricted by the development agreement, the proposed zoning map amendment will not negatively affect the character of the area.

Finding: The development agreement (Attachment A) limits the “M-1” zone to less intensive uses, not permitting the following uses to occur on the site: batch plant, bulk storage for any flammable liquid above and below ground, bulk storage for wholesale distribution of any flammable liquid above and below ground, ethanol plant, firewood sales, impound yard, mineral extraction (long term and short term), mobile or manufactured homes, mortuaries, cremation and funeral homes, rendering plant, sale of salvage goods, slaughterhouse, vehicle fueling station with convenience store, and/or vehicle sales lot.
The area predominantly consists of active light industrial uses such as Gayle Manufacturing Company, AmeriGas Propane, Urness Industries Landscaping & Irrigation, etc., active

agriculture and sporadic rural residential homesites. To protect existing agricultural uses and reduce impact to neighboring properties along the east property line along Pinto Rd, staff recommends a condition requiring a 100-ft buffer measured from the road centerline. Exterior lighting shall be shielded downward and positioned to reduce off-site glare. As conditioned, the limited use of the “M-1” will not impact the character of the area.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed Conditional Rezone?

Conclusion: Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided amendment at the time of development.

Finding: Individual well and individual septic already exists on the subject property for the existing residence at time of further development of the subject properties. The property is not within a nitrate priority area. The property is located within Pioneer Irrigation District. The applicant shall be required to meet agency requirements. Comments were not received from the local irrigation district. As a condition, written permission shall be obtained from the local irrigation district and/or Bureau of Reclamation prior to any encroachment or modification to any existing ditch, canals, or laterals.

6. Does the proposed Conditional Rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The conditional rezone of the subject property will not cause undue interference with existing or future traffic patterns.

Finding: As conditioned (Attachment A), a traffic impact study may be required depending on the proposed use. Canyon Highway District No. 4 has reviewed the application and finds the request will create impacts to traffic in the area and does not oppose the rezone.

7. Does legal access to the subject property for the Conditional Rezone exist or will it exist at the time of development?

Conclusion: The property has frontage off of Pinto Rd and Lower Pleasant Ridge Rd. The current residence on site has legal access from Lower Pleasant Ridge Rd, a public road.

Finding: The subject property has frontage and legal access from Lower Pleasant Ridge Rd, a declared collector. Future development will be required to meet all access, approach and improvement requirements of Canyon Highway District #4.

8. Will the proposed Conditional Rezone impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: The requested conditional rezone is not anticipated to impact essential services. Caldwell Rural Fire District and Canyon County Sheriff serve the area. Caldwell Rural Fire responded with comments regarding utility access, water supply and emergency response times being affected due to its remote distance to fire services. Future construction, water supply and emergency access on the site is subject to requirements in the applicable adopted International Fire Code at the time of construction.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein, the Hearing Examiner **recommends approval** of Case CR2022-0024, a **Conditional Rezone** of parcels R36368 & R36368011.

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ATTACHMENT A
DRAFT DEVELOPMENT AGREEMENT CONDITIONS

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. Stormwater run-off shall be retained on-site. Stormwater retention is the responsibility of the property owner.
3. Approximately 48.17 acres of the subject parcels, R36368 & R36368011, as described in Exhibit "A" shall be subject to the requirements of the "CR-M-1" Zone. The "CR-M-1" Zone is subject to the following on-going conditions:
 - a. The following uses shall not be permitted within the "M-1" zone including:
 - animal facility (large)
 - batch plant
 - bulk storage for any flammable liquid above and below ground
 - bulk storage for wholesale distribution of any flammable liquid above and below ground
 - CAFO
 - Church
 - cremation and funeral homes
 - ethanol plant
 - fertilizer processing facility
 - firewood sales
 - impound yard
 - kennel
 - mineral extraction (long term and short term)
 - mobile or manufactured homes sales
 - mortuaries
 - rendering plant
 - sale of salvage goods
 - slaughterhouse
 - theater
 - transit or trucking terminal and/or service facility
 - vehicle fueling station with convenience store
 - vehicle sales lot

The following uses shall be permitted through a conditional use permit:

- ministorage and/or RV storage facility
 - school (public or private)
- b. The applicant/developer shall meet all required access and improvement requirements of Canyon Highway District #4. A Traffic Impact Study (TIS) will be required prior to development of the property unless waived by CHD4 for each proposed use.
 - c. Future industrial traffic shall be routed from the subject property north towards Simplot Blvd to reduce impact to surrounding uses and residential areas south of the subject property.
 - d. The applicant/developer shall receive review and approval from Caldwell Rural Fire District prior to issuance of building permits.
 - e. All exterior light fixtures will be downward facing and shielded to reduce off-site glare to ensure light pollution is minimized

- f. The subject property abuts existing rural residential development on Pinto Road and Lower Pleasant Ridge Road. The industrial uses shall have buffering for noise, vehicle headlight glare, dust or other impacts using walls, fences or vegetative barriers sufficient to mitigate those impacts. There shall be a 100 foot building setback from the centerline of the public rights-of-ways for Pinto Road on the subject property. Exclusive of public rights-of-way the setback area may be utilized for paved public parking. The setback area may not be utilized as an internal truck traffic route, a dock access and staging area, or for staging/storage of industrial materials and equipment that is not sufficiently obscured from view by a site obscuring fence
 - g. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification including any crossings shall be approved by applicable governing agencies.
 - h. A living, maintained minimum fifteen (15) foot landscape buffer or berm containing a mix of evergreen trees and shrubs as approved by the planning official shall be installed along Pinto Rd and Lower Pleasant Ridge Rd, at the time of development application. The area shall be kept free of weeds and debris. Trees and shrubs shall not be located within the public rights-of-way and shall not impede the site distance and corner vision at the intersection of Lower Pleasant Ridge Road and Pinto Lane.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”

Staff: Sage Huggins, Planner I
sage.huggins@canyoncounty.id.gov

Date: March 15, 2023

Case Number and Name

CR2022-0024 Anderson

Public Hearing Date Submittal Date

March 15, 2023 July 29, 2022

Brief Summary of Request

The applicants, John & Sherry Anderson, are requesting a conditional rezone of 48.17 acres, parcel R36368 & R36368011, from an “A” (Agricultural) zone to a “CR-M-1” (Conditional Rezone-Light Industrial) zone. The request includes a development agreement.

Background

The mother parcel R36368 originally encompassed a majority of both the NW1/4 and SW1/4 of the SW1/4 (80 acres), but has been further divided by an administrative land division in 1994 (LS2004-368), and several parcels have been split off by deed and a series of record of survey’s without going through Canyon County requirements. A policy interpretation prior to 2014 may have provided for these divisions in the M-1 zone.

Application/Property Owner

John & Sherry Anderson

Representative

N/A

Property Address/Location



Existing Zoning	Existing Land Use	Future Land Use	Size of Property	AOCI
Agricultural	Agriculture	Industrial	Approx. 48.17 acres total	Greenleaf

STAFF RECOMMENDATION

APPROVE

COMPATIBILITY with the COMPREHENSIVE PLAN

The proposed use is consistent with several goals and policies of the 2020 Comprehensive Plan. The Future Land Use Map designates the site and immediate surrounding area to the north, west, and east as Industrial.

COMPATIBILITY with the EXISTING AREA

Staff has found that the requested conditional rezone is compatible with the area’s existing character as proposed with the development agreement restricting less compatible uses. The immediate surrounding area is comprised of various zoning districts. The predominant zoning district to the north and west is industrial, parcels south and east are agricultural.

Exhibits

- 1. Draft FCOs;
- 2. Letter of Intent/Site Plan;
- 3. Neighborhood Meeting;
- 4. Land Use Worksheet;
- 5. Maps:
 - a. Small Air Photo;
 - b. Vicinity;
 - c. Zoning and Classification;
 - d. Subdivision w/ Report
 - e. Cases w/ Report
 - f. Soils and Farmland w/ Report
 - g. Dairy, Feedlots and Gravel Pits
 - h. TAZ
 - i. Future Land Use
 - j. Future Land Use – Greenleaf
 - k. Nitrates and Wells
- 6. Agency Comments:
 - a. COMPASS
 - b. Canyon Highway District No. 4
 - c. Caldwell Rural Fire
 - d. City of Greenleaf
- 7. Neighbor Comments:
 - a. Bobbi and Daniel Kirk
 - b. Vivian Ferkin

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APPLICABLE CODE REFERENCE

CCZO §07-06-07(6): Conditional Rezone Approval - Standards of Evaluation

- A. *The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:*
 - 1. *Is the proposed conditional rezone generally consistent with the comprehensive plan;*
 - 2. *When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;*
 - 3. *Is the proposed conditional rezone compatible with surrounding land uses;*
 - 4. *Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?*
 - 5. *Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;*
 - 6. *Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?*
 - 7. *Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and*
 - 8. *Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?*

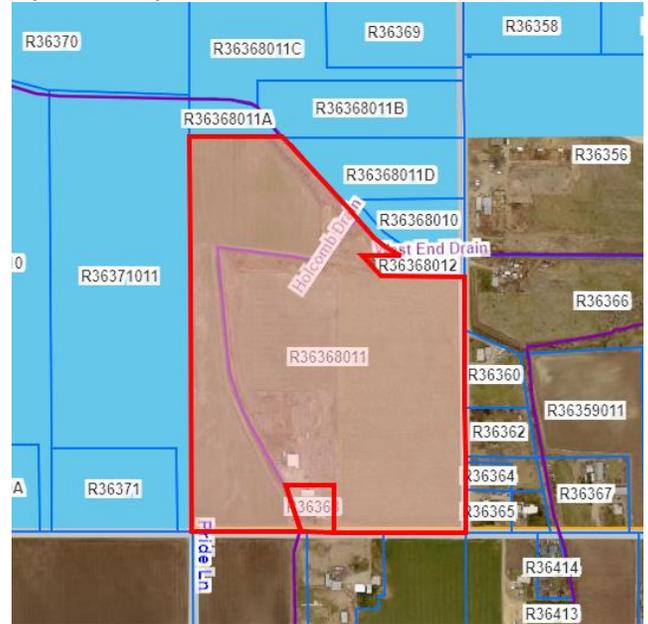
A. PROJECT AND SITE INFORMATION

PROPOSAL/SUMMARY

Case No. CR2022-0024: The applicants, John & Sherry Anderson, are requesting a conditional rezone with a development agreement of for 48.17 acres consisting of parcels, R36368 & R36368011, from an “A” (Agricultural) zone to a “CR-M-1” (Light Industrial) zone. The subject property is located at 19372 Lower Pleasant Ridge Rd, Caldwell; also referenced as a portion of the SE¼ of Section 23, Township 4N, Range 4W; BM; Canyon County, Idaho.

DEVELOPMENT/CASE HISTORY

- Parcel R36368 (1 acre) & R36368011 (47.17 acres) is approximately 48 acres combined and pursuant to tax records (Tax 1, 23-4N-4W) parcel R36368 is an original parcel. Parcel R36368011 was created in 1994, portions of it have been split off by deed and a series of record of survey's.
- The applicant is requesting a rezone to “M-1” because they are wanting to expand their development options for the property to align with neighboring uses. They are not proposing a specific use but have provided a list of uses to not be permitted.



ZONING AND CHARACTER OF SURROUNDING AREA

Site Area Photos



This photo was taken from the southwest corner of the subject property and is looking northeast. Near the intersection of Pride Ln and Lower Pleasant Ridge Rd.



This photo was taken from the southwest corner of the subject property and is looking east.



This photo was taken from the southwest corner of the subject property and is looking south.



This photo was taken from the southwest corner of the subject property and is looking southwest.



This photo was taken from the southwest corner of the property looking west.



This photo was taken from the southwest corner of the property looking northwest. Showing the active nursery to the west.



This photo was taken from the south of the subject property looking northwest.



This photo was taken from the south of the subject property looking north. The image shows the subject parcel existing home's driveway.



This photo was taken from the southeast of the subject property looking west. Near the intersection of Pinto Ln and Lower Pleasant Ridge Rd



This photo was taken from the southeast corner of the subject property looking north.



This photo was taken from the southeast corner of the subject property looking east.



This photo was taken from the southeast corner of the subject property and is looking southeast.



This photo was taken from the southeast corner of the subject property looking north east.



This photo was taken from the center of the intersection of Lower Pleasant Ridge Rd and Pinto Rd is looking north down Pinto Rd.



This photo was taken from the center of the intersection of Lower Pleasant Ridge Rd and Pinto Rd is looking east down lower pleasant ridge rd.



This photo is taken from the northeast corner of the subject property looking north.



This photo was taken from the center of the intersection of Lower Pleasant Ridge Rd and Pinto Rd is looking west



This photo is from the northeast corner of the subject property looking south along Pinto Rd.



This photo is from the northeast corner of the subject property looking south along Pinto Rd.



This photo is from the northeast corner of the subject property looking southwest.

Existing Conditions within one (1) mile		Zoning
Northwest	Light Industrial uses, Arlo G Lott Trucking, Contech Engineered Solutions, Simplot Blvd	M-1
North	Light Industrial uses, The Wilbur-Ellis Company, AmeriGas Propane, Simplot Blvd	M-1
Northeast	Light Industrial uses, Steiner S. S., Gayle Manufacturing Company, Single Family residential and active agriculture, Simplot Blvd	A, M-1
West	Urness Industries Landscaping & Irrigation	M-1
Southwest	Active Agriculture and sporadic Rural Residential homesites	A
South	Active Agriculture and sporadic Rural Residential homesites	A
Southeast	Active Agriculture and sporadic Rural Residential homesites	A
East	Cluster of Rural Residential homesites and Agriculture	A
A (Agricultural), R-R (Rural Residential), R-1 (Single-Family Residential), C-1 (Neighborhood Commercial), C-2 (Service Commercial), M-1 (Light Industrial), CR (Conditional Rezone).		

AGRICULTURE

Soil and Farmland (Exhibit 5f)

The property consists of the following soil capability classes:

- Class 2 Moderately Suited Soil – 45.71%
- Class 3 Moderately Suited Soil – 10.98%
- Class 6 Least-Suited Soil – 43.31%

The farmland report identified the following soil viability:

- Prime farmland, if irrigated – 56.69%
- Not prime farmland – 43.31%

Due to the location of the site and the various uses in the immediate surrounding area, the zoning change of this site will not fragment farmland.

Dairies and Feedlots (Exhibit 5g)

There is one feedlot located within a two (2) mile radius, north west of the subject property. There are two (2) gravel pits within one mile of the subject property and multiple mineral extraction permits approved or allowed north of Simplot Blvd within two miles of the subject property. The applicant is requesting to restrict mineral extraction uses in the development agreement.

FACILITIES

The property is located in an area of city impact, but is not located near city services. Site development will require review by Idaho Department of Water Resources, Southwest District Health, Idaho Department of Environmental Quality (IDEQ), Idaho Power, and other agencies to ensure water, sewer, irrigation, gas, power, and other facilities are provided.

Water/Irrigation

Based on the applicant’s land use worksheet (Exhibit 4), there is already an existing well for domestic and irrigation purposes serving the existing residence on the subject property R36368.

Holocomb Drain and the West End Drain Lateral run through the subject property. All maintenance roads, laterals, and drainage rights-of-ways will need to be protected and any new crossings or changes will require a signed license of crossing to be in place prior to any changes being made and will be required to meet all District and Department of Reclamation standards.

Sewer

According to the applicant’s land use worksheet (Exhibit 4), there is existing septic serving the property’s existing residence.

Stormwater

The stormwater will be retained on-site as conditioned and required by ordinance. This will be reviewed at the time of development application.

Roads, Access, and Traffic

The subject property has legal residential access from Lower Pleasant Ridge Rd. New accesses to either roadway, Pinto Rd and/or Lower Pleasant Ridge Rd, should be planned in accordance with CHD4 access management standards. At time of access permit application or any land division process, a Traffic Impact Study (TIS) may be required by CHD4.

SERVICES

Emergency Services

All essential services were notified of the request. The area is served by Canyon County Sheriff and Caldwell Rural Fire District.

The following agency comments were received.

Caldwell Rural Fire (Exhibit 6c): “This area is located in the Canyon County Rural Fire District. There is no utility access available for water supply and emergency response times will be affected due to its remote distance to fire services. Future construction, water supply and emergency access on the site is subject to requirements in the applicable adopted International Fire Code at the time of construction.”

Schools

The subject property is located in Vallivue School District. No evidence was provided that the rezone would impact schools in the District.

HAZARDS

Nitrate Priority Area (Exhibit 5k)

The site is not located within a nitrate priority area. The nitrate priority area is located to the south, approximately 0.25 miles, from the site.

COMPREHENSIVE PLAN

Future Land Use

The 2020 Comprehensive Plan Future Land Use map identifies the site as Industrial (Exhibit 5i). The proposal aligns with the following goals and policies:

Chapter 1. Property Rights
Policy 1. No person shall be deprived of private property without due process of law.
Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.
Chapter 2. Population
Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.
Chapter 4. Economic Development
Goal 3. Create new jobs that are sustainable and lasting.
Policy 3. Encourage broad-based economic development programs that include: <ul style="list-style-type: none"> a. Natural resources such as agriculture b. Commercial development c. Industrial development d. Tourism expansion and development
Chapter 5. Land Use
Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area
Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
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Policy 3. Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential and industrial zoning districts to help attract development.

B. COUNTY CODE REQUIREMENTS

Area of City Impact – Greenleaf

The subject property is located within Greenleaf’s area of city impact. The City of Greenleaf designates the property as “Industrial” (Exhibit 5j). Pursuant to Canyon County Code §09-09-15 – Ordinance Amendment Proposals - Greenleafs Area of City Impact Agreement, the City was noticed of the rezone request on January 12, 2023. The following comments were received:

City of Greenleaf (Exhibit 6d): “The City of Greenleaf is not in opposition to the application as presented, but does have concerns and recommendations.” Had concerns regarding standards of evaluation #5, #6, and #8 in order to limit the risk of the public financially subsidizing future development needs on the property.

C. COMMENTS

Agency Comments

- COMPASS (Exhibit 6a): COMPASS sent a letter summarizing how the property fits into the goals of Communities in Motion 2050 (CIM 2050).
- City of Nampa: City of Nampa responded they have no comments for the application.
- Canyon Highway District No 4 (Exhibit 6b): CHD4 sent a letter stating information and comments regarding the subject location. A TIS is anticipated to be required based upon acreage. Access will need to meet CHD4 standards. CHD4 stated they are not opposed to the requested land use change.
- Caldwell Rural Fire (Exhibit 6c): Sent a letter discussing utility access, emergency response time, and suggested conditions.
- City of Greenleaf (Exhibit 6d): Sent a letter discussion concerns for facilities and services, public street improvements, traffic pattern impact, and impact to essential public services.

Public Comments

- Bobbi Kirk and Daniel Kirk (Exhibit 7a): Sent in a letter of opposition. Expressed concerns for agricultural land shifting to industrial uses.
- Vivian Ferkin (Exhibit 7b): Submitted a neighbor letter dated March 10, 2022 that was drafted after the neighborhood meeting. The letter states the signed community members would prefer the parcel be split into four residential sites than zoned as light industrial.

D. STAFF ANALYSIS

Character of the Area

Staff has found that the requested rezone is compatible with the area’s existing character. The immediate surrounding area is comprised of various zoning districts. The predominant zoning districts are agriculture and industrial.

Conformance to the Comprehensive Plan

The proposed use conforms with the 2020 Canyon County Comprehensive Plan.

The Suitability of the Proposal

The applicants request to conditionally rezone the subject property to M-1 matches the 2020 Canyon County Comprehensive Plan. Industrial zones have been projected to be in the area, specifically adjacent to the north, dating back to 1979 adoption of the zoning map.

E. STAFF RECOMMENDATION

Decision Options

- The Hearing Examiner may recommend that the Board approve the conditional rezone;
- The Hearing Examiner may recommend that the Board deny the conditional rezone and direct staff to make findings of fact to support this decision; or
- The Hearing Examiner may continue the discussion and request additional information on specific items.

Recommendation

Based on the analysis, Staff recommends the Hearing Examiner open a public hearing and discuss Case No. CR2022-0024.

Staff is recommending approval of the request for a conditional rezone and has provided Findings of Fact, Conclusions of Law & Order and draft development agreement for the Hearing Examiner’s consideration found in Exhibit 1.

Planning and Zoning Commission

Anderson – CR2022-0024

Development Services Department



FINDINGS, CONCLUSIONS, & ORDER

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Conclusions of Law

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Finding: The proposed conditional rezone is compatible with the surrounding land uses. Properties adjacent to the north and west are zoned industrial and have had industrial uses present for over a decade. The area contains a large number of active mineral extractions to the north of Simplot Blvd. The predominant zoning districts are industrial and agricultural. The result of the request is consistent and compatible with the character of the area. Light industrial has been planned near the subject site on the Comprehensive Plan dating back to 1979.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As restricted by the development agreement, the proposed zoning map amendment will not negatively affect the character of the area.

Finding: The development agreement (Attachment A) limits the “M-1” zone to less intensive uses, not permitting the following uses to occur on the site: batch plant, bulk storage for any flammable liquid above and below ground, bulk storage for wholesale distribution of any flammable liquid above and below ground, ethanol plant, firewood sales, impound yard, mineral extraction (long term and short term), mobile or manufactured homes, mortuaries, cremation and funeral homes, rendering plant, sale of salvage goods, slaughterhouse, vehicle fueling station with convenience store, and/or vehicle sales lot.
The area predominantly consists of active light industrial uses such as Gayle Manufacturing Company, AmeriGas Propane, Urness Industries Landscaping & Irrigation, etc., active

agriculture and sporadic rural residential homesites. To protect existing agricultural uses and reduce impact to neighboring properties along the east property line along Pinto Rd, staff recommends a condition requiring a 100-ft buffer measured from the road centerline. Exterior lighting shall be shielded downward and position to reduce off-site glare. As conditioned, the limited use of the “M-1” will not impact the character of the area.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed Conditional Rezone?

Conclusion: Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided amendment at the time of development.

Finding: Individual well and individual septic already exists on the subject property for the existing residence at time of further development of the subject properties. The property is not within a nitrate priority area. The property is located within Pioneer Irrigation District. The applicant shall be required to meet agency requirements.
Comments were not received from the local irrigation district. As a condition, written permission shall be obtained from the local irrigation district and/or Bureau of Reclamation prior to any encroachment or modification to any existing ditch, canals, or laterals.

6. Does the proposed Conditional Rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The conditional rezone of the subject property will not cause undue interference with existing or future traffic patterns.

Finding: As conditioned (Attachment A), a traffic impact study may be required depending on the proposed use. Canyon Highway District No. 4 has reviewed the application and finds the request will create impacts to traffic in the area and does not oppose the rezone.

7. Does legal access to the subject property for the Conditional Rezone exist or will it exist at the time of development?

Conclusion: The property has frontage off of Pinto Rd and Lower Pleasant Ridge Rd. The current residence on site has legal access from Lower Pleasant Ridge Rd, a public road.

Finding: The subject property has frontage and legal access from Lower Pleasant Ridge Rd, a declared collector. Future development will be required to meet all access, approach and improvement requirements of Canyon Highway District #4.

8. Will the proposed Conditional Rezone impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: The requested conditional rezone is not anticipated to impact essential services. Caldwell Rural Fire District and Canyon County Sheriff serve the area. Caldwell Rural Fire responded with comments regarding utility access, water supply and emergency response times being affected due to its remote distance to fire services. Future construction, water supply and emergency access on the site is subject to requirements in the applicable adopted International Fire Code at the time of construction.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein, the Hearing Examiner **recommends approval** of Case CR2022-0024, a **Conditional Rezone** of parcels R36368 & R36368011.

**HEARING EXAMINER
CANYON COUNTY, IDAHO**

Bruce Eggleston, Hearing Examiner

State of Idaho)
) SS
County of Canyon County)

On this ____ day of _____ in the year of 2023, before me _____, a notary public, personally appeared personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary: _____

My Commission Expires: _____

ATTACHMENT A
DRAFT DEVELOPMENT AGREEMENT CONDITIONS

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. Stormwater run-off shall be retained on-site. Stormwater retention is the responsibility of the property owner.
3. Approximately 48.17 acres of the subject parcels, R36368 & R36368011, as described in Exhibit “A” shall be subject to the requirements of the “CR-M-1” Zone. The “CR-M-1” Zone is subject to the following on-going conditions:
 - a. The following uses shall not be permitted within the “M-1” zone including:
 - batch plant
 - bulk storage for any flammable liquid above and below ground
 - bulk storage for wholesale distribution of any flammable liquid above and below ground
 - church
 - ethanol plant
 - firewood sales
 - impound yard
 - mineral extraction (long term and short term)
 - mobile or manufactured homes sales
 - mortuaries
 - cremation and funeral homes
 - rendering plant
 - sale of salvage goods
 - slaughterhouse
 - theater
 - vehicle fueling station with convenience store
 - vehicle sales lot.

The following uses shall be permitted through a conditional use permit:

- Ministorage and/or RV storage facility
 - school (public or private)
- b. The applicant/developer shall meet all required access and improvement requirements of Canyon Highway District #4. A Traffic Impact Study (TIS) will be required prior to development of the property unless waived by CHD4 for each proposed use.
 - c. Future industrial traffic shall be routed from the subject property north towards Simplot Blvd to reduce impact to surrounding uses and residential areas south of the subject property.
 - d. The applicant/developer shall receive review and approval from Caldwell Rural Fire prior to issuance of building permits.
 - e. All exterior light fixtures will be downward facing and shielded to reduce off-site glare to ensure light pollution is minimized
 - f. The subject property abuts existing rural residential development on Pinto Road and Lower Pleasant Ridge Road. The industrial uses shall have buffering for noise, vehicle headlight glare, dust or other impacts using walls, fences or vegetative barriers sufficient to mitigate those impacts. There shall be a 100 foot building setback from the centerline of the public rights-of-ways for Pinto Road on the subject property. Exclusive of public rights-of-way the setback area may be utilized for paved public parking. The setback area may not be utilized as an internal truck traffic route, a dock access and staging area,

or for staging/storage of industrial materials and equipment that is not sufficiently obscured from view by a site obscuring fence

- g. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification including any crossings shall be approved in writing by applicable governing agencies.
 - h. A living, maintained minimum fifteen (15) foot landscape buffer or berm containing a mix of evergreen trees and shrubs as approved by the planning official shall be along Pinto Rd and Lower Pleasant Ridge Rd. The area shall be kept free of weeds and debris. Trees and shrubs shall not be located within the public rights-of-way and shall not impede the site distance and corner vision at the intersection of Lower Pleasant Ridge Road and Pinto Lane.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”

ATTACHMENT A



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458

Fax: (208) 454-6633 • www.canyoncounty.org/dsd

**DEVELOPMENT AGREEMENT
BETWEEN CANYON COUNTY AND APPLICANT**

Agreement number: _____

THIS AGREEMENT, made and entered into this _____ day of _____, 2023, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as “COUNTY” and John and Sherry Anderson, hereinafter referred to as “Applicant.”

RECITALS

WHEREAS, Applicants have applied to County for a conditional rezone from the “A” (Agricultural) Zone to “CR-M-1” (Conditional Rezone – Light Industrial) Zone (CR2022-0024), which are legally described in the attached EXHIBIT “A,” incorporated by reference herein (hereinafter referred to as “Subject Property”); and

WHEREAS, Parcels R36368 and R36368011, approximately 48.17 acres, is owned by the Applicant.

WHEREAS, on the _____ day of _____, 2023 the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a “CR-M-1” (Conditional Rezone – Light Industrial) Zone, which was done with Applicant’s approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT “B”.

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance No. 16-007 or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Properties which is located in the unincorporated area of Canyon County, Idaho, more particularly described in EXHIBIT “A”, attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder’s Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Properties from “A” (Agricultural) Zone to “CR-M-1” (Conditional Rezone – Light Industrial) Zone, which conditions are attached hereto as EXHIBIT “B”.

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see Exhibit “B”). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an “CR-M-1” (Conditional Rezone – Light Industrial) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County’s review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in EXHIBIT “A,” and that the County’s review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants’ heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant’s conditional rezone application in Development Services Department Case Number CR2022-0024 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings,

correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and

safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A" are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Properties conditionally rezoned from "A" (Agricultural) Zone designation to "CR-M-1" (Conditional Rezone – Light Industrial) Zone designation shall revert back to the "A" (Agricultural) Zone designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #140
Caldwell, Idaho 83605

Notices and communications required to be given to Applicants shall be addressed to, and delivered at, the following addresses:

Name: John & Sherry Anderson
Street Address: 19372 Lower Pleasant Ridge Rd
City, State, Zip: Caldwell, ID 83607

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicants, a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20. TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

APPLICANTS

Commissioner, Leslie Van Beek

John & Sherry Anderson

Commissioner Brad Holton

Commissioner Zach Brooks

ATTEST: Chris Yamamoto, Clerk

BY: _____
Deputy

DATE: _____

(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of _____, 20____, before me, a notary public, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Notary Public for Idaho
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of _____, 20____, before me, a notary public, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Notary Public for Idaho
Residing at: _____
My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTION: 48.17 acres Area to be Rezoned to be attached

EXHIBIT "B"
ATTACHMENT A
DRAFT DEVELOPMENT AGREEMENT CONDITIONS

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. Stormwater run-off shall be retained on-site. Stormwater retention is the responsibility of the property owner.
3. Approximately 48.17 acres of the subject parcels, R36368 & R36368011, as described in Exhibit "A" shall be subject to the requirements of the "CR-M-1" Zone. The "CR-M-1" Zone is subject to the following on-going conditions:
 - a. The following uses shall not be permitted within the "M-1" zone including:
 - batch plant
 - bulk storage for any flammable liquid above and below ground
 - bulk storage for wholesale distribution of any flammable liquid above and below ground
 - church
 - ethanol plant
 - firewood sales
 - impound yard
 - mineral extraction (long term and short term)
 - mobile or manufactured homes sales
 - mortuaries
 - cremation and funeral homes
 - rendering plant
 - sale of salvage goods
 - slaughterhouse
 - theater
 - vehicle fueling station with convenience store
 - vehicle sales lot.

The following uses shall be permitted through a conditional use permit:

- Ministorage and/or RV storage facility
 - school (public or private)
- b. The applicant/developer shall meet all required access and improvement requirements of Canyon Highway District #4. A Traffic Impact Study (TIS) will be required prior to development of the property unless waived by CHD4 for each proposed use.
 - c. Future industrial traffic shall be routed from the subject property north towards Simplot Blvd to reduce impact to surrounding uses and residential areas south of the subject property.
 - d. The applicant/developer shall receive review and approval from Caldwell Rural Fire prior to issuance of building permits.
 - e. All exterior light fixtures will be downward facing and shielded to reduce off-site glare to ensure light pollution is minimized
 - f. The subject property abuts existing rural residential development on Pinto Road and Lower Pleasant Ridge Road. The industrial uses shall have buffering for noise, vehicle headlight

glare, dust or other impacts using walls, fences or vegetative barriers sufficient to mitigate those impacts. There shall be a 100 foot building setback from the centerline of the public rights-of-ways for Pinto Road on the subject property. Exclusive of public rights-of-way the setback area may be utilized for paved public parking. The setback area may not be utilized as an internal truck traffic route, a dock access and staging area, or for staging/storage of industrial materials and equipment that is not sufficiently obscured from view by a site obscuring fence

- g. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification including any crossings shall be approved in writing by applicable governing agencies.
 - h. A living, maintained minimum fifteen (15) foot landscape buffer or berm containing a mix of evergreen trees and shrubs as approved by the planning official shall be along Pinto Rd and Lower Pleasant Ridge Rd. The area shall be kept free of weeds and debris. Trees and shrubs shall not be located within the public rights-of-way and shall not impede the site distance and corner vision at the intersection of Lower Pleasant Ridge Road and Pinto Lane.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”

March 7, 2023

We, John W and Sherry Anderson residing at 19372 Lower Pleasant Ridge Rd, Caldwell, Idaho 83607 are requesting a Conditional Rezone from Agricultural to M-1 (Light Industrial) at this location with these conditions. The following land uses are not to be allowed on this property:

Church

Theater

Batch Plant

Ethanol Plant

Impound Yard

Rendering Plant

Slaughterhouse

Vehicle Sales Lot

Sale of Salvage

Firewood Sales

Mineral Extraction (long term)

Mineral Extraction (short term)

Mortuaries, Cremation and Funeral Homes

Rehabilitation of Manufactured Homes

Vehicle Fueling Station with Convenience Store

Bulk Storage for any flammable liquids above and below ground

Bulk Storage for Wholesale Distribution of any flammable liquids above and below ground

We have lived in this neighborhood, on this property for 27 years. In consideration to the neighbors, we presented the above list of Conditions at the neighborhood meeting held on February 1, 2022.

When considering the surrounding land uses, the request to M-1 (Light Industrial) is more appropriate than the current zoning designation. There are many industrial uses throughout our area (Simplex Corridor). With well over 20 businesses in operation, 8 of these businesses are in the impact area. A Conditional Rezone to M-1 (Light Industrial) of our property would not create any additional negative impact to this area.

Our property is currently designated M-1 (Light Industrial) in the 2000, 2010, and 2020 Comprehensive Plan(s) – over 25 years and is contiguous to M-1 (Light Industrial) on two sides (North and West).

The property to the West was rezoned without conditions in 2005 (18 years ago). It has 4 parcels zoned M-1 (Light Industrial) that includes one existing business; 1 business under construction; and 2 Light Industrial parcels for sale.

The property to the North was rezoned M-1 (Light Industrial) in 1977 (no conditions) and has three businesses currently in operation.

Also, an additional parcel was rezoned to M-1 (Light Industrial) in 2009 and has a business in operation.

The Northern portion of our property has been zoned M-1 (Light Industrial) since 1977 with no conditions. All of the above properties are in the impact area. There are additional properties with businesses within the impact area and have been zoned M-1 (Light Industrial) since 1977.

According to TOK Commerical Quarter 1, 2023 Industrial Market Report there is a growing need for more industrial zoned ground in Idaho. Companies such as Amazon, Home Depot, and META have claimed Idaho as a location for growth – bringing with them countless others that support them into the market - absorbing available square footage.

In Idaho, the overall Lease vacancy rate is at 3%. Business spaces in the range of 1,000 – 20,000 square feet has a vacancy rate of approximately 0.5%. A competitive market and lack of inventory have led to building lease rates climbing more than \$0.30/SF in the last 2 years alone, with more growth projected on the horizon.

According to the World Population Review, Caldwell has a year-over-year growth rate of 2.19% and growth rate of 6.88% since 2020. The Canyon County School Districts estimate that in 2023, approximately 1500 graduating students will be emerging into the workforce. That is not counting graduates going to college, military or on missions.

Developers and companies are looking for areas with growth in population and workforce, as well as access to arterial Highways (Hwy 19/Simplot Blvd) connecting to Interstate 84 that is important for Northwest product distribution.

With the population growth in Canyon County, the Conditional Rezone to M-1 (Light Industrial) would not only supply jobs for this influx of people but would generate added tax revenue for the county.

In closing, our property located at 19372 Lower Pleasant Ridge Road, Caldwell, Idaho 83607 has been in Canyon Counties Comprehensive Plan since 2000 and contiguous with 5 parcels already zoned for M-1 (Light Industrial) use.

Due to market needs and ease of zoning it would be beneficial for the county that our property be zoned M-1 (Light Industrial).

It should be noted that the limited acreage of agricultural ground alone at this address does not support a family without the need for outside income.

We would like to thank you for this opportunity to speak to you about the Conditional Rezone of our property.

John W and Sherry Anderson

19372 Lower Pleasant Ridge Rd.,

Caldwell, ID 83607

**Notice of Neighborhood Meeting
Rezone (Light Industrial)
Pre-application requirement for Public Hearing**

January 21, 2022

Neighbor,

We are submitting an application for a Rezone(Light Industrial) to Canyon County Development Services (DSD). One of the requirements prior to submitting this application is to hold a "neighborhood meeting" to inform the neighbors of our intent (Canyon County Zoning Ordinance 07-01-15).

This meeting is for informational purposes and to receive feedback from the neighbors as we move through this process. This is NOT a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County (DSD) regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Rezone is applied.

The Neighborhood Meeting details are as follows:

Date: February 1, 2022 (Tuesday)
Time: 10:00 am
Location:19372 Lower Pleasant Ridge Rd (At the Barn)
Property description: 4N4W23
Total Acreage: 49.61

We look forward to the neighborhood meeting and encourage you to attend. At that time we will try to answer any questions you may have.

Please do NOT call Canyon County Development Services regarding this meeting. This meeting is a PRE-APPLICATION requirement and this application has not been submitted for consideration at this time. Canyon County currently has no information on this project.

If you have any questions prior to the meeting, please contact us at (208) 880-2128).

Sincerely,



John W & Sherry Anderson

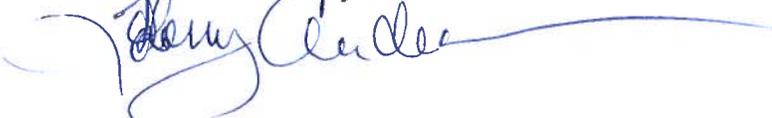


Exhibit 3

PARCEL_NO	OwnerName	Address	City	State	ZipCode
R36356	GAYLE MANUFACTURING CO INC	PO BOX 1398	NAMPA	ID	83653
R36360	MURPHY CHAD R	20152 PINTO RD	CALDWELL	ID	83607
R36361	EIS DALE F	19186 LOWER PLEASANT RIDGE RD	CALDWELL	ID	83607
R36368010	GAH PROPERTIES LLC	132 SW 5TH AVE	MERIDIAN	ID	83642
R36368012	BUREAU OF RECLAMATION	230 COLLINS RD	BOISE	ID	83702-4520
R36411	FERKIN MARK A	19335 LOWER PLEASANT RIDGE RD	CALDWELL	ID	83607
R36368011C	HERITAGE OPERATING L P	PO BOX 965	VALLEY FARGO	PA	19482
R36370	ROBERTS ROBERT C	2109 N 9TH ST	BOISE	ID	83702-2820
R36359011	PARK BENJAMIN J	16582 MARAVILLA PL	CALDWELL	ID	83607
R36362	CHOATE LARRY C	PO BOX 217	GREENLEAF	ID	83626-0217
R36365	SALINAS IGNACIO	20026 PINTO RD	CALDWELL	ID	83607
R36366	SCHNEIDER RONALD G	20240 PINTO RD	CALDWELL	ID	83607
R36367	HEINBACH ROGER DEAN	19094 LOWER PLEASANT RIDGE RD	CALDWELL	ID	83607
R36369	WILBUR-ELLIS CO	16300 CHRISTENSEN RD SUITE 135	SEATTLE	WA	98188
R36413	BENKE BRADLEY K	19222 UPPER PLEASANT RIDGE	CALDWELL	ID	83607
R36441	HOLMES FAMILY TRUST	19699 LOWER PLEASANT RIDGE RD	CALDWELL	ID	83607
R36368011D	PA AOA LLC	607 GARBER ST	CALDWELL	ID	83606
R36371	U AND U HOLDINGS LLC	PO BOX 1179	EAGLE	ID	83616
R36412010	BENKE BRAD	19222 UPPER PLEASANT RIDGE RD	CALDWELL	ID	83607
R36414	DIXON KIM R	19163 LOWER PLEASANT RIDGE RD	CALDWELL	ID	83607

Highlighted - Businesses within 600' of property (M-1)

1,52 M-1
41.29
1.0 in 1.1

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 19372 Lower Pleasant Ridge	Parcel Number:
City: CALDWELL	State: ID ZIP Code: 83607
Notices Mailed Date: JAN. 21, 1957	Number of Acres: 49.67 Current Zoning: A
Description of the Request: Turn "Ag" to "M-1"	

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: John W. & Sherry Anderson
Company Name:
Current address: 19372 Lower Pleasant Ridge Rd.
City: CALDWELL State: ID ZIP Code: 83607
Phone: 208-880-2128 Cell: 208- Fax:
Email:

MEETING INFORMATION

DATE OF MEETING: Feb. 1, 2022	MEETING LOCATION: 19372 Lower Pleasant Ridge Rd. CALDWELL, ID 83607
MEETING START TIME: 10:00 AM	MEETING END TIME: 11:05 AM

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Ryan Whittiz	<i>Ryan Whittiz</i>	18291 Upper Pleasant Ridge rd
2. Lynn Whittiz	<i>Lynn Whittiz</i>	19724 Main Rd Caldwell
3. Jessica Flaming	<i>Jessie Flaming</i>	20046 Lower Pleasant Rd Ed
4. Debbie Flaming	<i>Debbie Flaming</i>	20046 Lower Pleasant " Caldwell
5. Scott & Debbie Ag	<i>Scott & Debbie Ag</i>	20615 Lower Pleasant
6. Ron & Gail Schmeider	<i>Ron & Gail Schmeider</i>	20240 Pinto Rd. Caldwell
7. Brent Lee Cole	<i>Brent Lee Cole</i>	20611 Lower Pleasant
8. Judy O'Brien	<i>Judy O'Brien</i>	20094 Windsor Drive
9. Vivian Farkas	<i>Vivian Farkas</i>	19335 Lower Pleasant

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
21. [unclear]	[unclear]	10699 LOWER PLEASANT RD
22. [unclear]	[unclear]	19921 Upper Pleasant Rd
23. Jake Fillmore	[unclear]	18954 Lower Pleasant Ridge Rd
24. MARNIE FILLMORE	[unclear]	18954 LOWER PLEASANT RIDGE RD <small>CR 100000 ID 83000</small>
25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		
37.		
38.		
39.		
40.		
41.		

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
42. Stephen Taku	<i>[Signature]</i>	19976 Middle Rd
43. Shelley Shippy	<i>[Signature]</i>	20246 Flaming Rd.
44. MATT MORIS	<i>[Signature]</i>	20135 FLAMING RD
45. Tyler Slate	<i>[Signature]</i>	19627 Middle Rd
46. BYRON MORWAN	<i>[Signature]</i>	19634 PRIOR LANE
47. DAVE LANCASTER	<i>[Signature]</i>	19668 PRIOR LANE
48. Harvey Vilhauer	<i>[Signature]</i>	20217 Flaming Rd.
49. Pat Wirren	<i>[Signature]</i>	19476 Upper Pleasant Ridge
50.		
51.		
52.		
53.		
54.		
55.		
56.		
57.		
58.		
59.		
60.		

LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: Individual Domestic Well Centralized Public Water System City

N/A – Explain why this is not applicable: _____

How many Individual Domestic Wells are proposed? 1

2. SEWER (Wastewater) Individual Septic Centralized Sewer system

N/A – Explain why this is not applicable: _____

3. IRRIGATION WATER PROVIDED VIA:

Surface Irrigation Well None

4. IF IRRIGATED, PROPOSED IRRIGATION:

Pressurized Gravity

5. ACCESS:

Frontage Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:

Public Private Road User's Maintenance Agreement Inst # _____

7. FENCING Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. STORMWATER: Retained on site Swales Ponds Borrow Ditches

Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

Exhibit 4

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: _____

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

Building Kennel Individual Housing Other _____

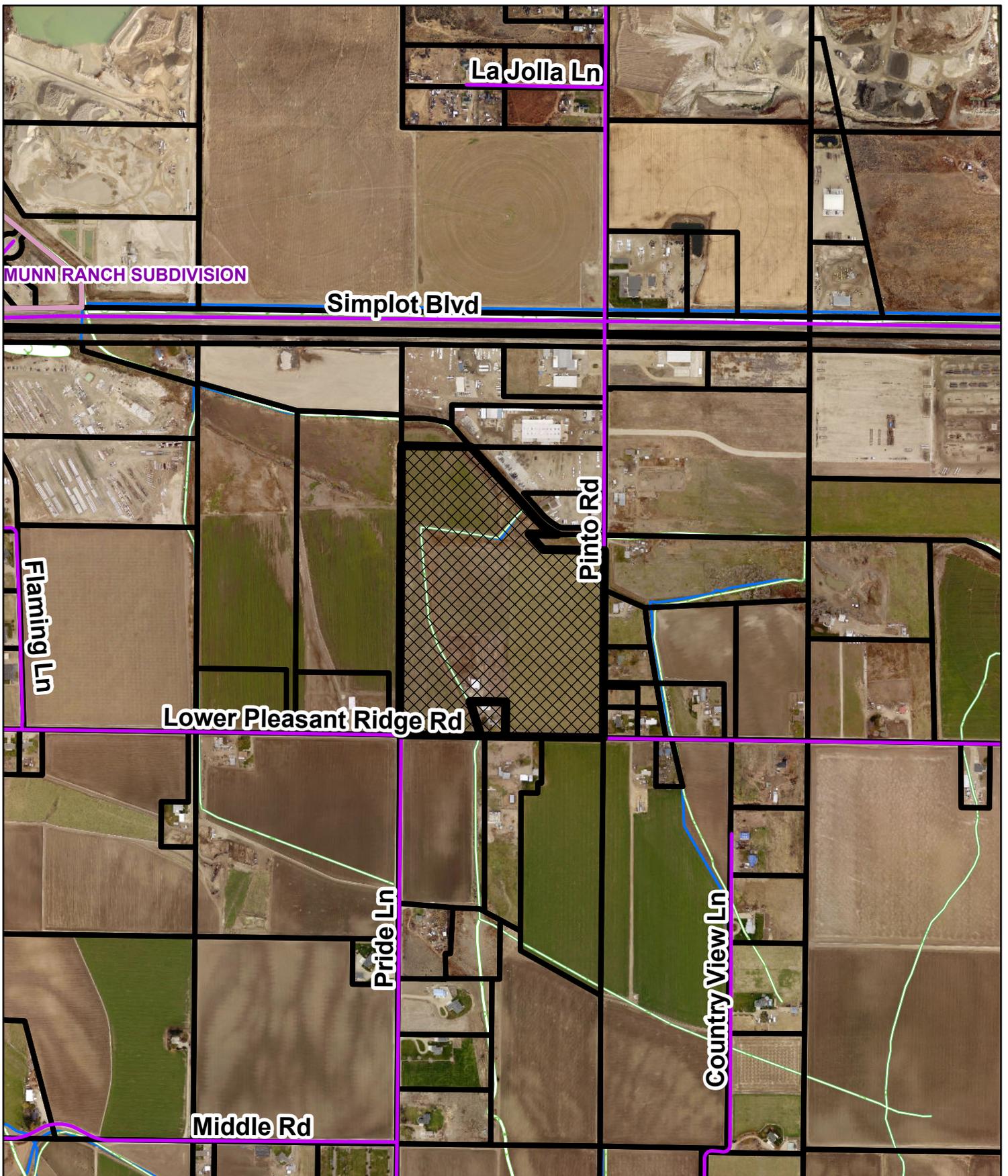
3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

Building Enclosure Barrier/Berm Bark Collars

4. ANIMAL WASTE DISPOSAL

Individual Domestic Septic System Animal Waste Only Septic System

Other: _____



MUNN RANCH SUBDIVISION

La Jolla Ln

Simplot Blvd

Flaming Ln

Pinto Rd

Lower Pleasant Ridge Rd

Pride Ln

Country View Ln

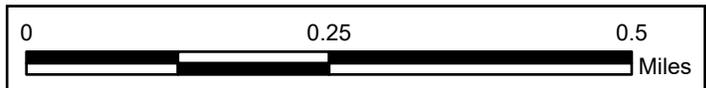
Middle Rd



Legend

-  Wetlands
-  City_Limits

Exhibit 5a



Simplot Blvd

Anderson Small Vicinity Map

ROBERTS
AC 12.08

ANDERSON
AC 1.49

PA AOA LLC
AC 5.99

PA AOA LLC
AC 5.71

GAYLE MANUFACTURING CO INC
AC 29.22

GAH PROPERTIES LLC
AC 2.16

U AND U HOLDINGS LLC
AC 26.92

BUREAU OF RECLAMATION
AC 1.02

SCHNEIDER
AC 13.01

Subject Property

MURPHY
AC 2

PARK
AC 7.11

Rinto Rd

CHOATE
AC 1.71

TWO DICE LLC
AC 5.56

CHOATE
AC 0.66

CHOATE
AC 0.65

SALINAS
AC 1.01

EIS
AC 0.77

Lower Pleasant Ridge Rd

HOLMES FAMILY TRUST
AC 40.34

Pride Ln

FERKIN
AC 14.18

FERKIN
AC 7.6

BENKE
AC 17.51

BENKE
AC 49.64

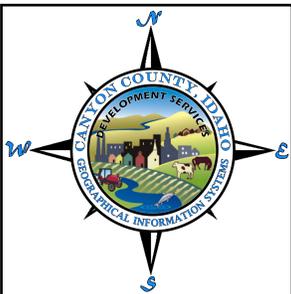
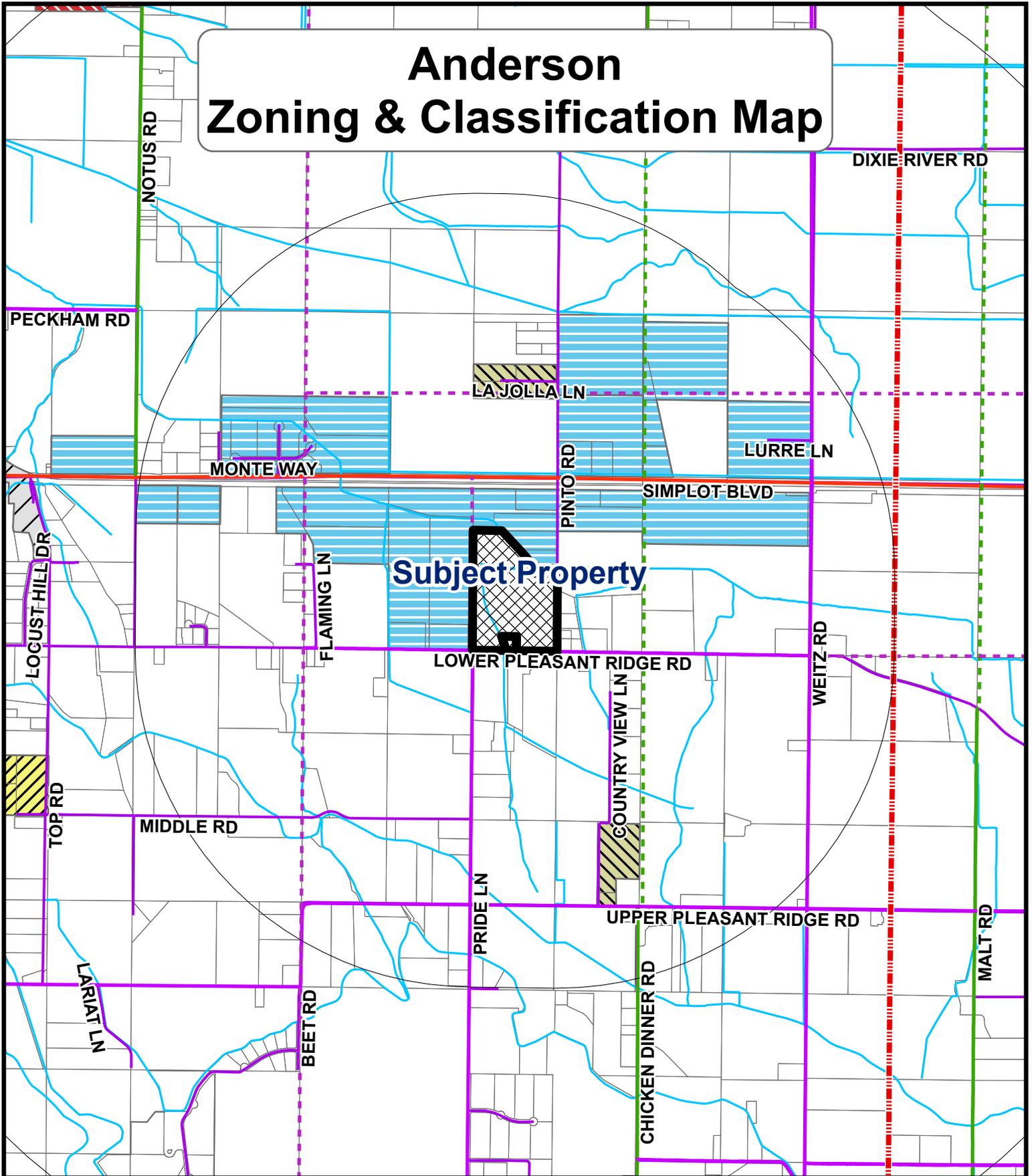


Exhibit 5b

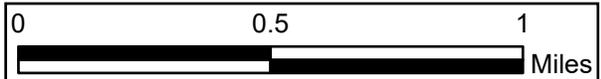


Anderson Zoning & Classification Map

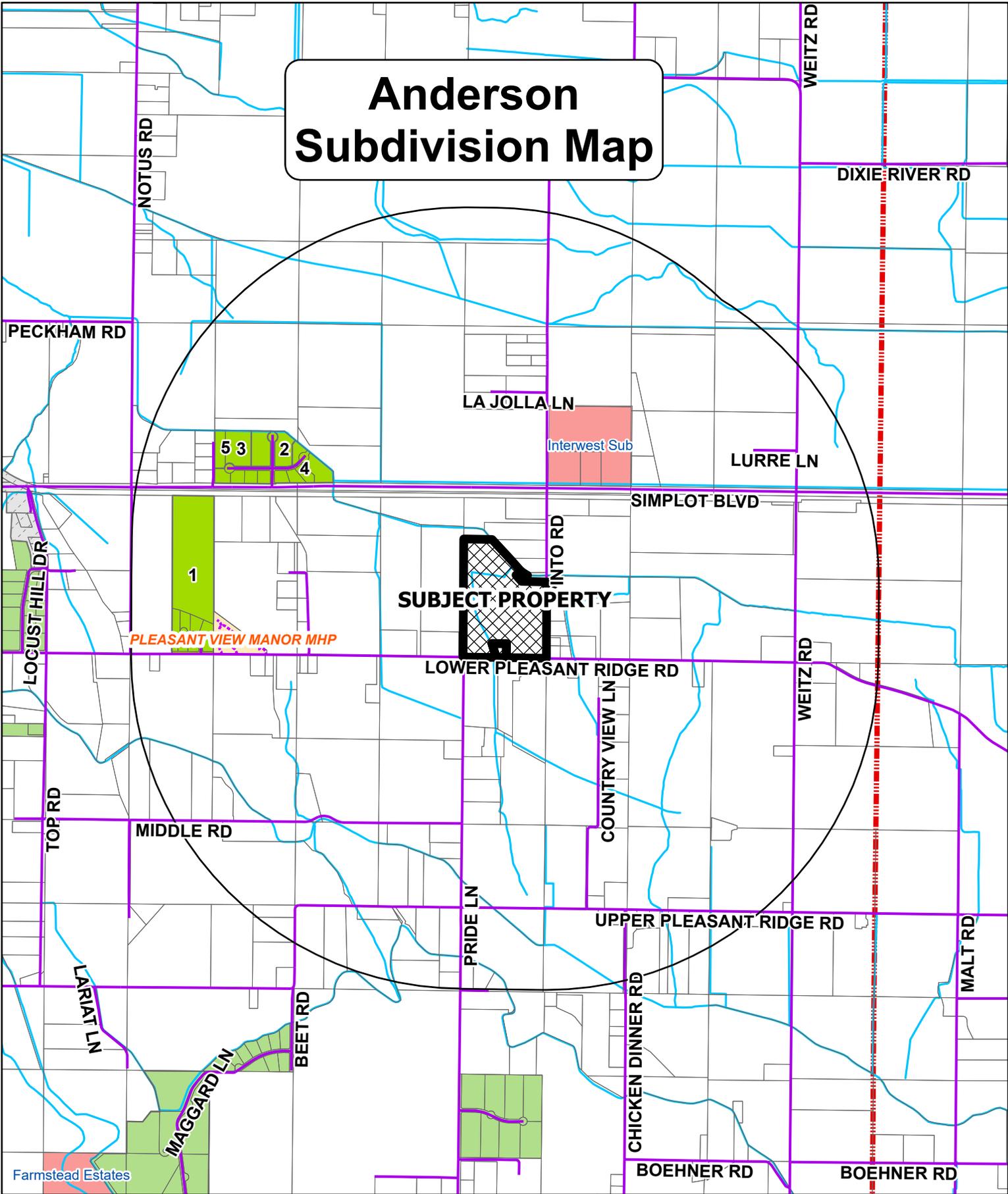


ZONING			
	RR		R2
	CR-RR		C
	R1		C1
	CR-R1		CR-C1
	C2		CR-C2
	M2		M1
	AG		CR-M1

Exhibit 5c

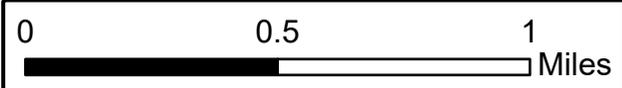


Anderson Subdivision Map

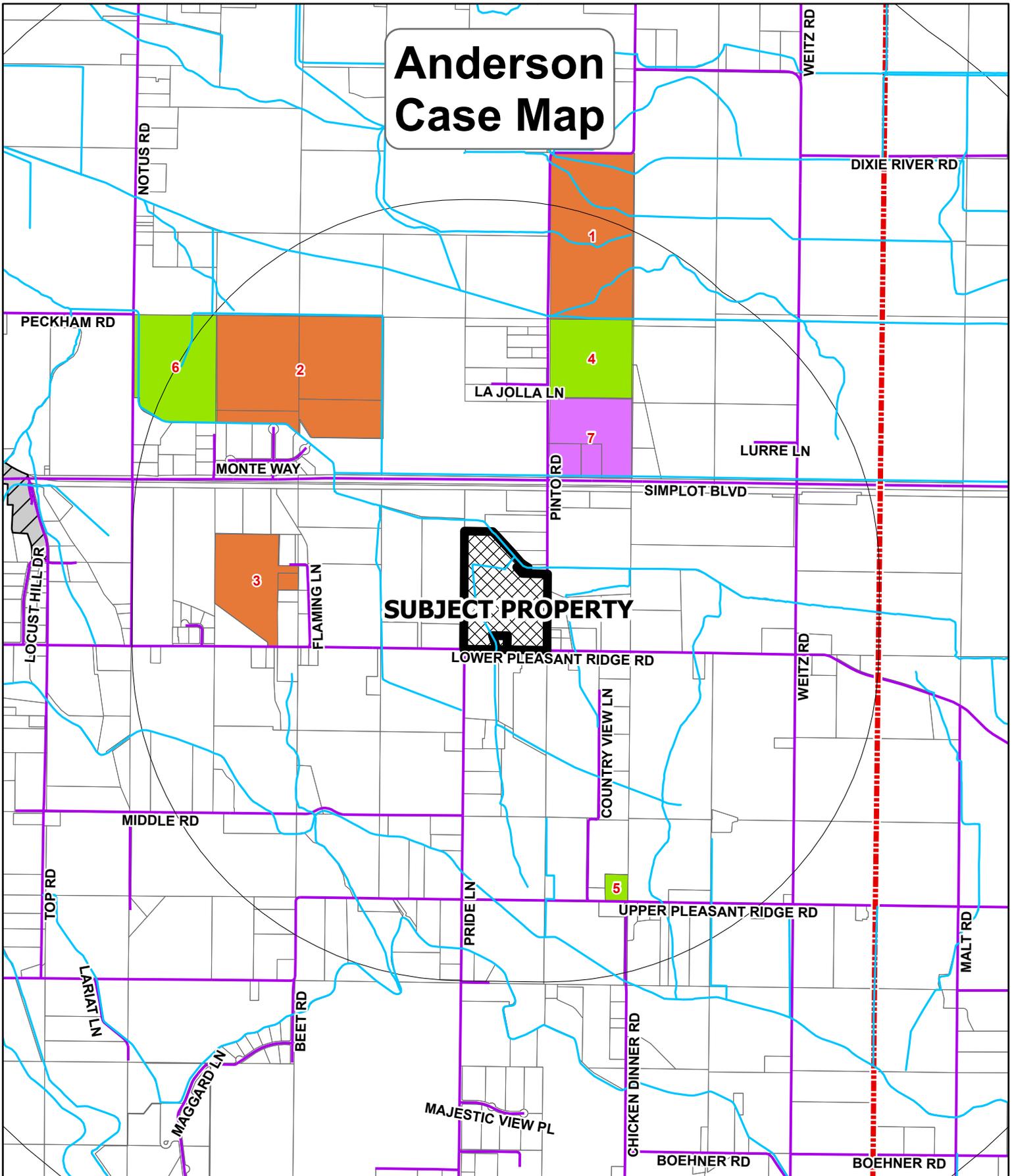


-  SUBDIVISIONS
-  PrelimSubs

Exhibit 5d



Anderson Case Map

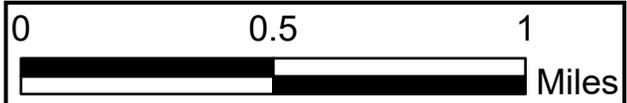


SUBJECT PROPERTY



YEAR	
2018	2021
2019	2022
2020	

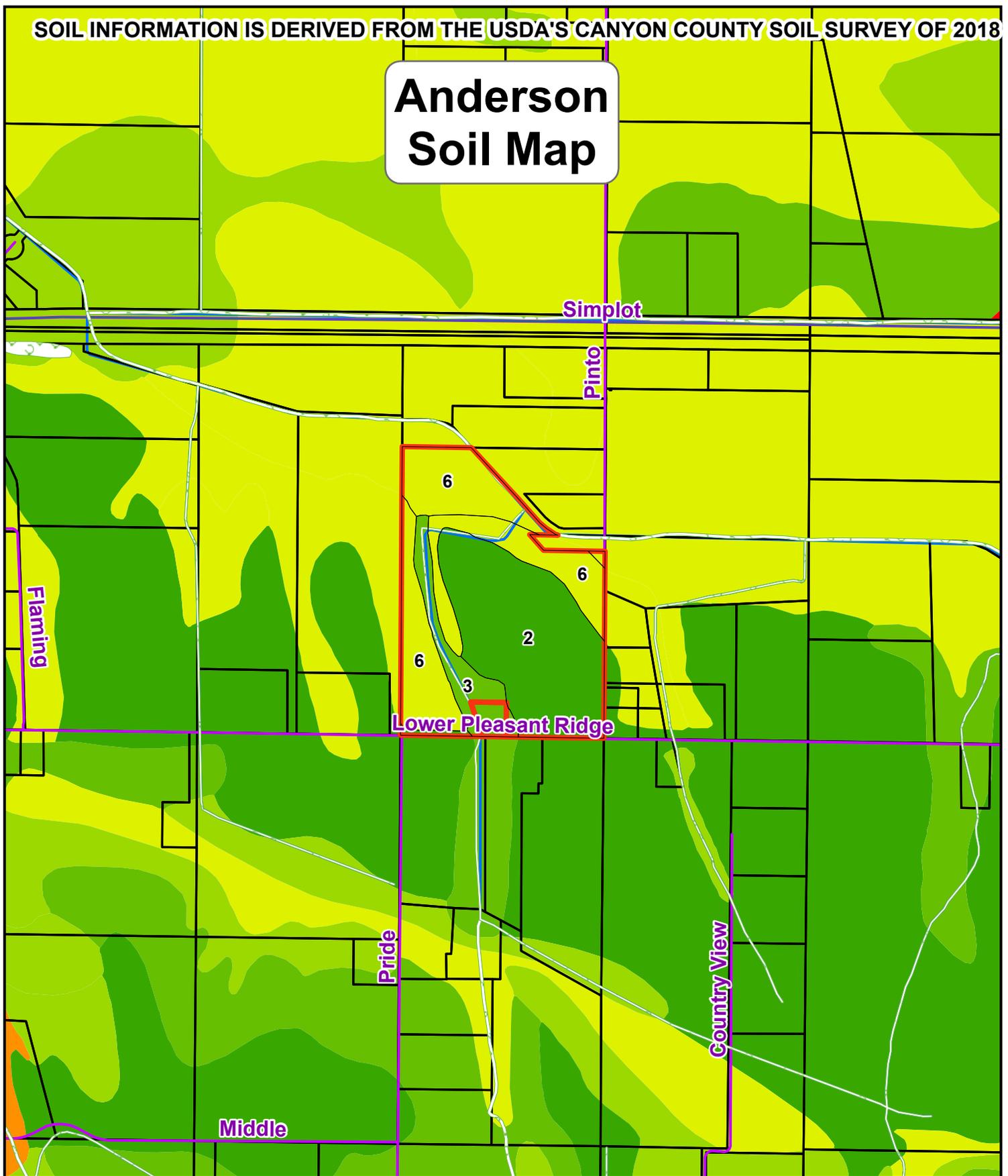
Exhibit 5e



CASE SUMMARY

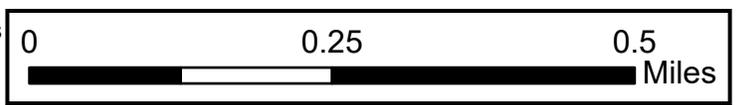
ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	CU2018-0006	Mineral Extraction, hauling, and crushing & asphalt batch plant	Tripple Crown	APPROVED
2	CU2018-0008	CUP MOD	Idaho Material & Construction	APPROVED
3	RZZ2018-0013	Rezone AG to M1	FKH LLC	WITHDAWN
4	RZZ2018-0034	AG to M1	Badiola John	APPROVED
5	CU2019-0002	Small Animal Facility	Buekelman	APPROVED
6	CU2019-0018	CUP Mineral Extraction	Idaho Materials	APPROVED
7	RZZ2020-0005	Rezone A to M1	JRP Properties	APPROVED

Anderson Soil Map



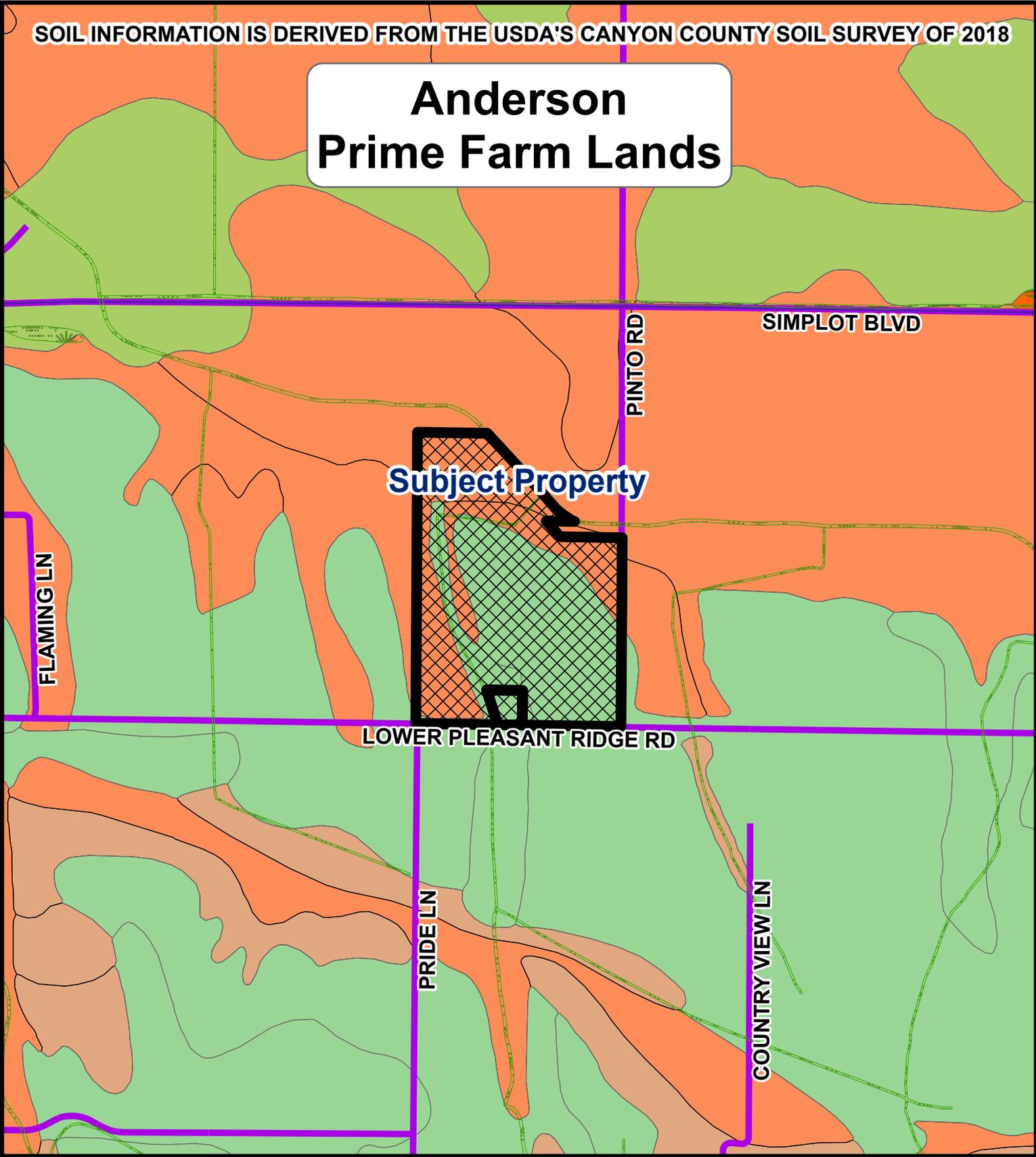
- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- 10.000001 - 49.800000
- GEO-THERMAL LOCATIONS
- Wetlands

Exhibit 5f



SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Anderson Prime Farm Lands



Subject Property

FLAMING LN

PINTO RD

SIMPLOT BLVD

LOWER PLEASANT RIDGE RD

PRIDE LN

COUNTRY VIEW LN



- TAXLOTS
- City Limits
- WETLANDS
- 2C_Hydro

- ### FARMLAND
- Farmland of statewide importance
 - Farmland of statewide importance, if irrigated
 - Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
 - Not prime farmland
 - Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
 - Prime farmland if irrigated
 - Prime farmland if irrigated and drained
 - Prime farmland if irrigated and reclaimed of excess salts and sodium



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	230345.28	5.29	10.98%
2	BEST SUITED SOIL	941767.20	21.62	44.88%
6	LEAST SUITED SOIL	31715.36	7.16	14.85%
2	BEST SUITED SOIL	17336.88	0.40	0.83%
6	LEAST SUITED SOIL	295903.08	6.79	14.10%
6	LEAST SUITED SOIL	301348.08	6.92	14.36%
		2098415.88	48.17	100%

FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
GWB	Prime farmland if irrigated	230345.28	5.29	10.98%
GWA	Prime farmland if irrigated	941767.20	21.62	44.88%
BsA	Not prime farmland	31715.36	7.16	14.85%
GWA	Prime farmland if irrigated	17336.88	0.40	0.83%
BsB	Not prime farmland	295903.08	6.79	14.10%
BsB	Not prime farmland	301348.08	6.92	14.36%
		2098415.88	48.17	100%

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Anderson Dairy, Feedlot, and Gravel Pit Map

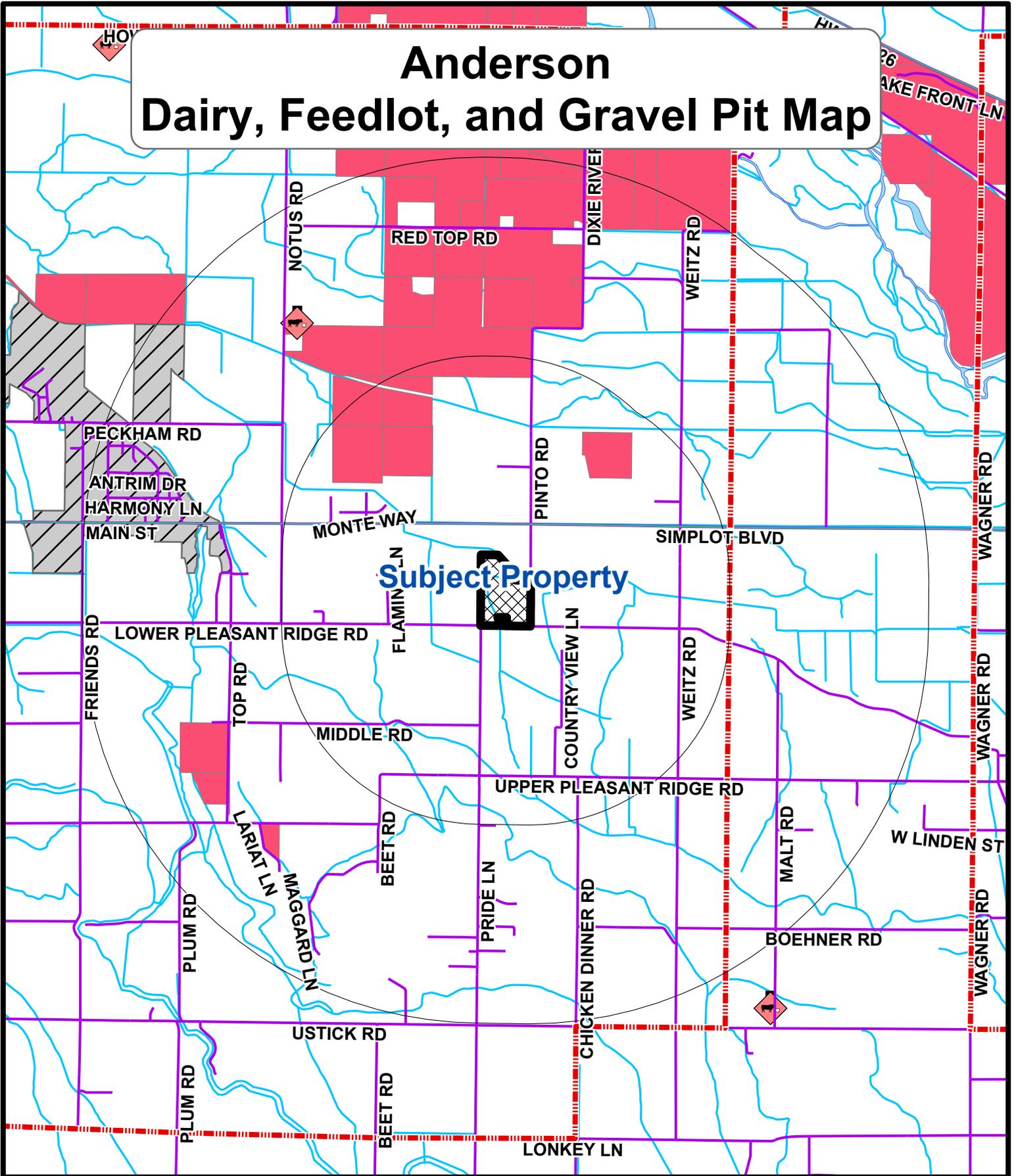
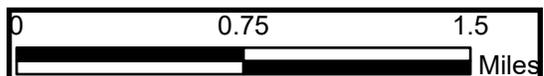
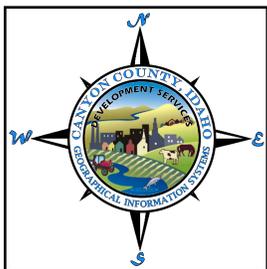
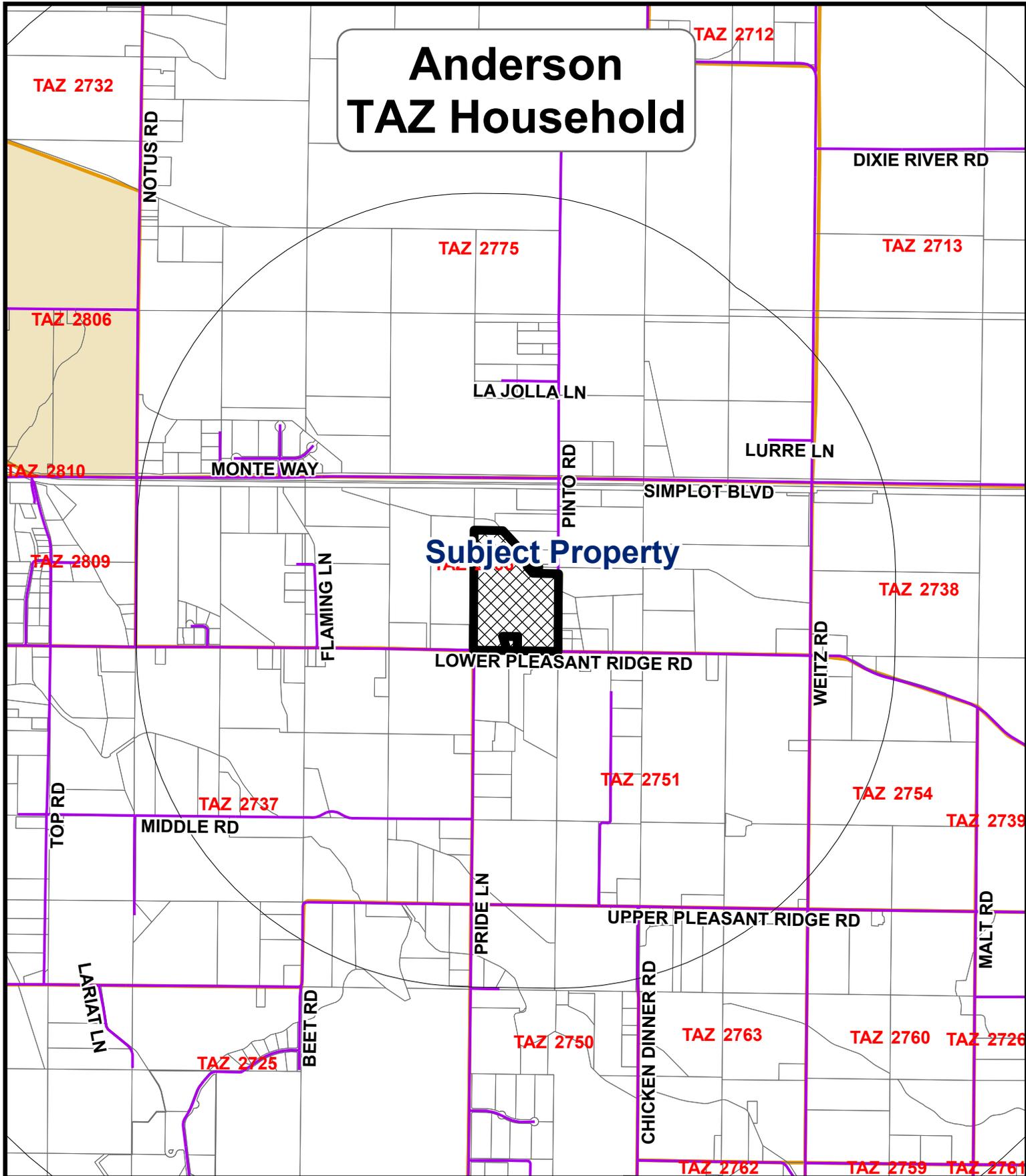


Exhibit 5g

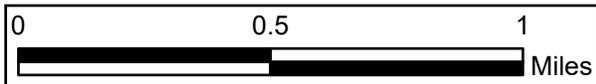


Anderson TAZ Household

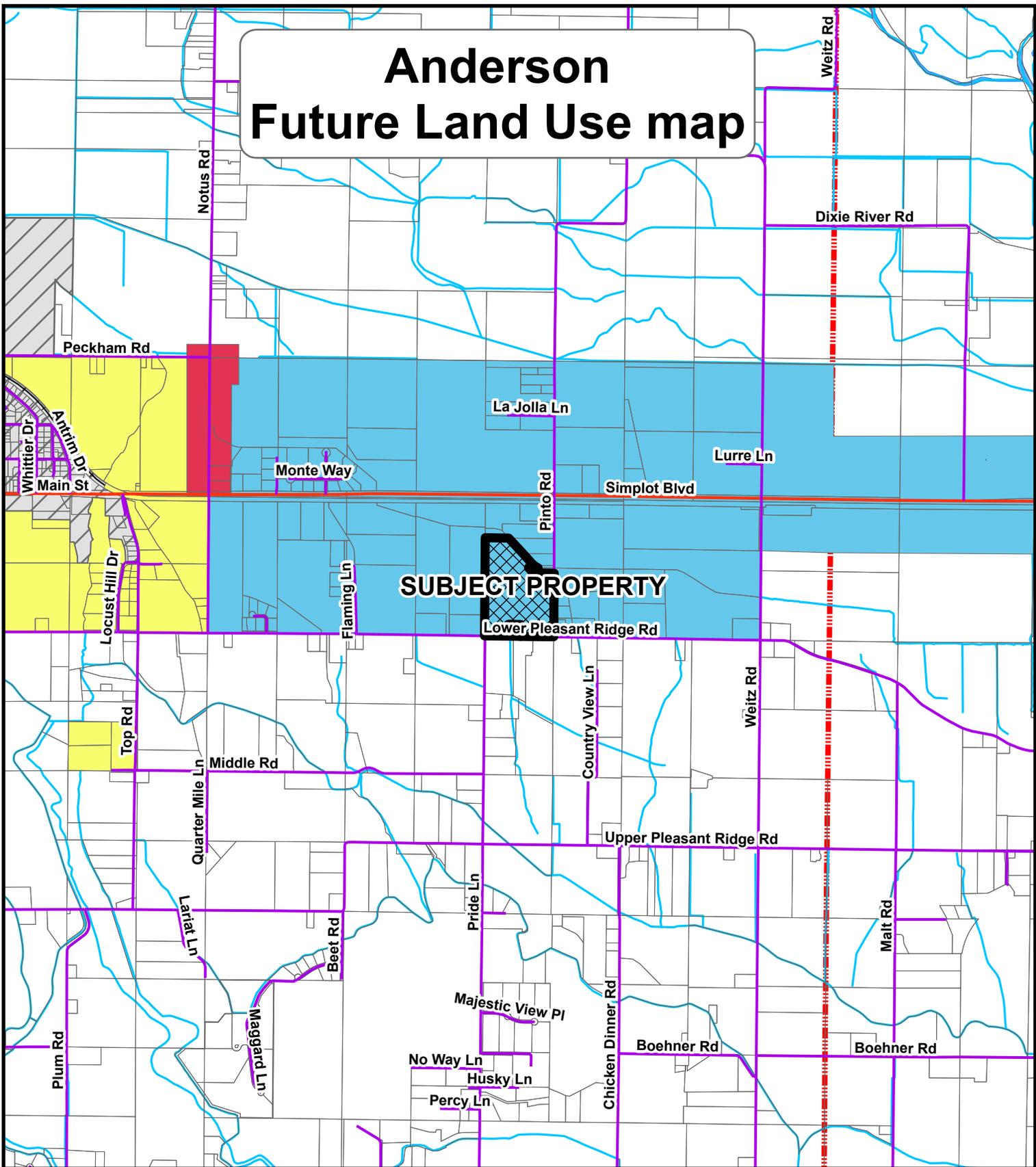


House Hold 2025-2050	
	4 - 50
	51 - 150
	151 - 250
	251 - 500
	501 - 750
	751 - 1263

Exhibit 5h

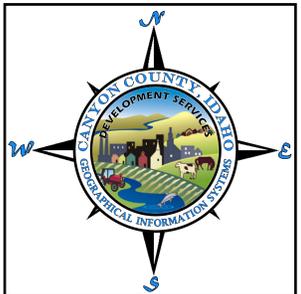


Anderson Future Land Use map



SUBJECT PROPERTY

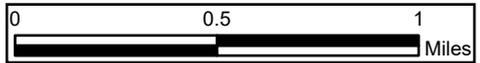
Lower Pleasant Ridge Rd



Legend

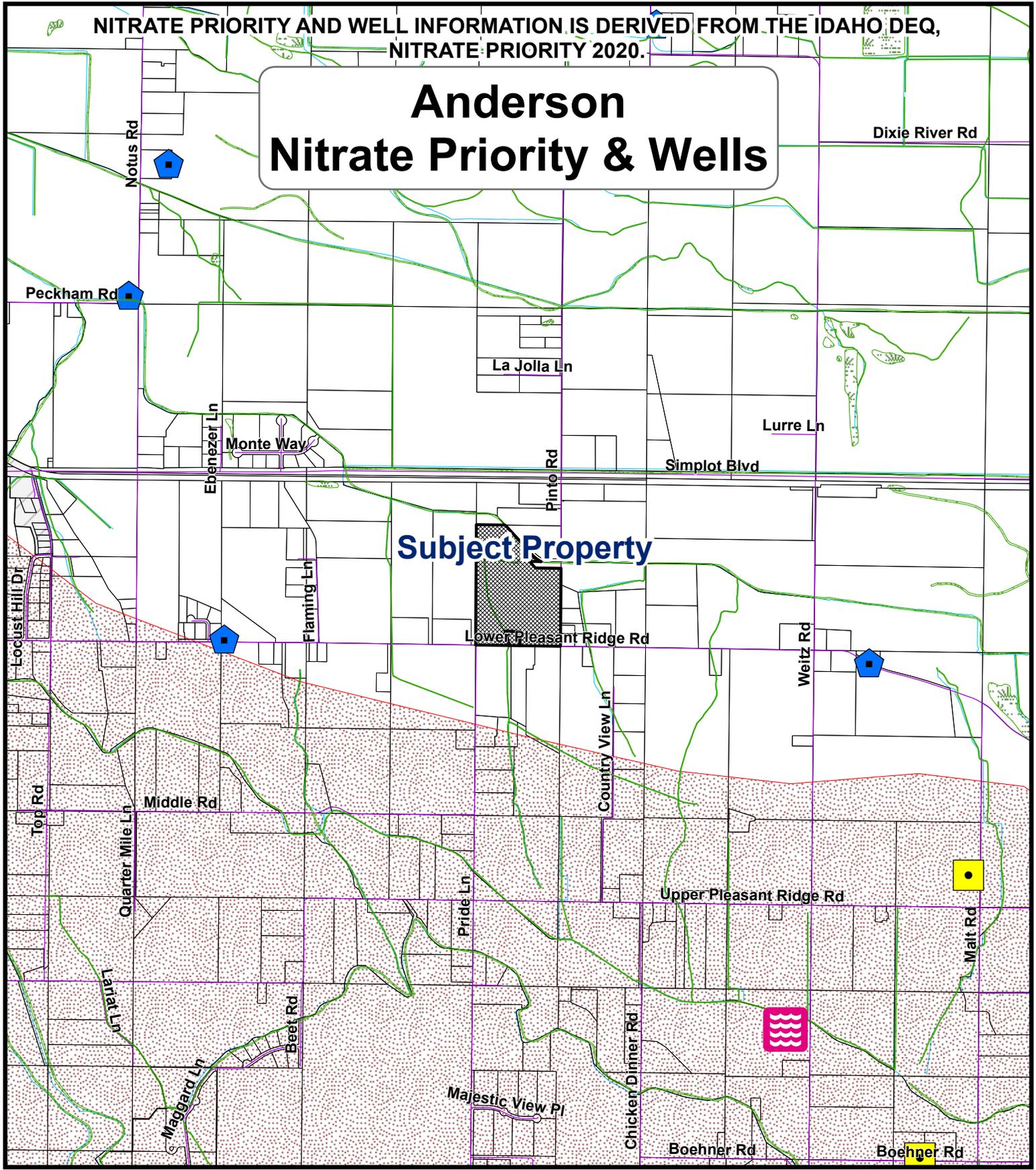
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- Scenic_Byway

Exhibit 5i

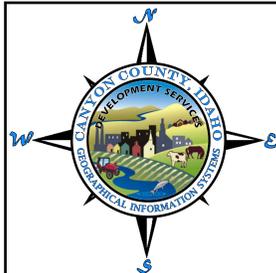


NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ,
NITRATE PRIORITY 2020.

Anderson Nitrate Priority & Wells

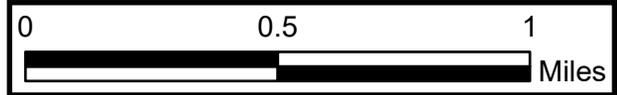


Subject Property



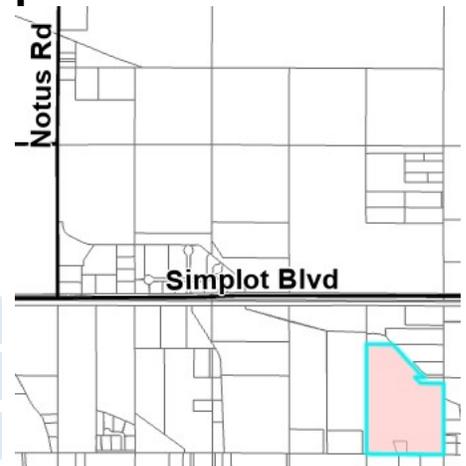
-  GEO-THERMAL LOCATIONS
-  WETLANDS
-  NITRATE_PRIORITY
- DEQ WELLS
N03_MGL**
-  0.005 - 2.00
-  2.00 - 5.00
-  5.00 - 10.00
-  10.00 - 49.80

Exhibit 5k



Communities in Motion 2050 Development Checklist

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of Communities in Motion 2050 (CIM 2050), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2050 goals.



Development Name: CR2022-0024
CIM Vision Category: Rural **New Jobs:** ±300
CIM Corridor: None **New Households:** 0



Safety

Level of Stress measures how safe and comfortable a bicyclist or pedestrian would feel on a corridor and considers multimodal infrastructure number of vehicle lanes and travel speeds.

- Pedestrian level of stress
- Bicycle level of stress



Economic Vitality

These tools evaluate whether the location of the proposal supports economic vitality by growing near existing public services.

- Activity Center Access
- Farmland Preservation
- Net Fiscal Impact
- Within CIM Forecast



Convenience

Residents who live or work less than 1/2 mile from critical services have more transportation choices, especially for vulnerable populations

- Nearest bus stop
- Nearest public school
- Nearest public park



Quality of Life

Checked boxes indicate that additional information is attached.

- Active Transportation
- Automobile Transportation
- Public Transportation
- Roadway Capacity



Improves performance



Does not improve or reduce performance



Reduces performance

Comments:

The location is about 1.5 miles from the City of Greenleaf. The estimated number of jobs generated by the project exceeds growth forecasted for this area. Thus, transportation infrastructure may not be able to support the new transportation demands. For more information on growth forecasts see the *Communities in Motion 2050 Growth and Transportation Vision*: <https://cim2050.compassidaho.org/regional-vision/cim-2050-vision/>

Communities in Motion 2050
[2020 Change in Motion Report](#)
[Development Review Process](#)

Web: www.compassidaho.org
 Email: info@compassidaho.org



Fiscal Impact Analysis Supplemental for the Development Review Checklist

The purpose of the fiscal impact analysis is to better estimate expected revenues and costs to local governments as a result of new development so that the public, stakeholders, and the decision- makers can better manage growth. Capital and operating expenditures are determined by various factors that determine service and infrastructure needs, including persons per household, student generation rates, lot sizes, street frontages, vehicle trip and trip adjustment factors, average trip lengths, construction values, income, discretionary spending, and employment densities.

The COMPASS Development Checklist considers the level of fiscal benefits, how many public agencies benefit or are burdened by additional growth, and how long the proposal will take to achieve a fiscal break-even point, if at all.

More information about the COMPASS Fiscal Impact Tool is available at:

www.compassidaho.org/prodserv/fiscalimpact.htm

Overall Net Fiscal Impact Net Fiscal Impact by Agency

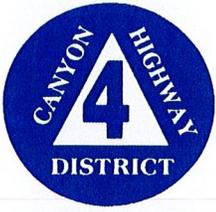
N/A City

 County

 Highway District

 School District

Break Even: 1 year



January 19, 2023

Canyon County Board of Commissioners and Planning & Zoning Commission
111 N. 11th Street
Caldwell, Idaho 83605

John & Sherry Anderson
Applicant

RE: **CR20220024**
Rezone from A to CR M-1 Light Industrial
Canyon County Parcels R36382 & R3638201 aka 19372 Lower Pleasant Ridge Rd

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for a Rezone for Parcels R36368 & R36368011 (aka 19372 Lower Pleasant Ridge Rd) from Agricultural to CR- M-1 (Conditional Rezone - Light Industrial) Zone. CHD4 offers the following comments on the proposed use:

General

The subject property consists of 2 parcels totaling approximately 48.17 acres, located at the northwest corner of Lower Pleasant Ridge Rd and Pinto Rd in the SW ¼ Section 23 T4N R4W. The subject property is located approximately 3 miles from Caldwell city limits, and is considered rural for application of CHD4 standards. The subject property has approximately 1,300 feet of frontage on Lower Pleasant Ridge Rd along the southerly boundary, and approximately 1200-feet of frontage on Pinto Rd along the easterly boundary.

Weitz Rd and Lower Pleasant Ridge Rd are classified a collector in the vicinity of the subject property. Existing right-of-way is a 25-foot prescriptive easement, measured from the centerline of both roads. Ultimate right-of-way for a collector is 40-foot half-width, measured from the section line or quarter section line.

Existing Access

The subject property is currently served by 2 driveway approaches to Lower Pleasant near the westerly boundary.

Future Access for Industrial Development

Both Pinto Rd and Lower Pleasant Ridge Rd are classified as collector on the long-range planning maps adopted by CHD4 and Canyon County. New access to either roadway should be planned in accordance with the following access management standards:

- Any new local road or private road shall be located a minimum of 660- feet from the Pinto/Lower Pleasant intersection or the below standards, whichever is more;
- New driveways reference 3061.020. Driveway Spacing Policy: of the ACCHD Manual.
- New local road (public or private) located a minimum of 660-feet from any other public road.

- Located on or at least 660-feet from west boundary. (Future Pride Lane Extension)
- Any new access at the northern boundary along Pinto Rd should be located outside of any easement for the West End Drain to allow for future widening of the Pinto Rd bridge.

Transportation Impacts:

The proposed rezone will create approximately 48.17 acres of light industrial zoning. Trip generation frequency varies considerably across the various uses allowed in this zone, but it is anticipated that the cumulative impacts of the entire 48.17acre property will exceed 500 trips/day or 50 trips/peak hour which will trigger the requirement for a Traffic Impact Study. A TIS will be required by CHD4 at the time of preliminary plat submittal for subdivision of the subject property, or at the time of access permit application for administrative land division or other development of the property.

Administrative Land Division

Canyon County code Chapter 7 Section 18 provides that parcels rezoned from agricultural to any other zone may be divided into up to four parcels administratively. Administrative land divisions resulting from this rezone are subject to the access restrictions and/or limitation identified in these comments. Right-of-way dedication for existing or future public roadways may be required as part of the administrative land division process as provided under CHD4 policy. Other development requirements, such as frontage improvements, construction of public roadways, traffic impact studies, and offsite traffic mitigation may also apply.

Section Line Setbacks

Canyon County code Chapter 7 Section 19-10 requires a 70-foot building setback to any section line or quarter section line. These setbacks are in effect along the southerly boundary of the subject property.

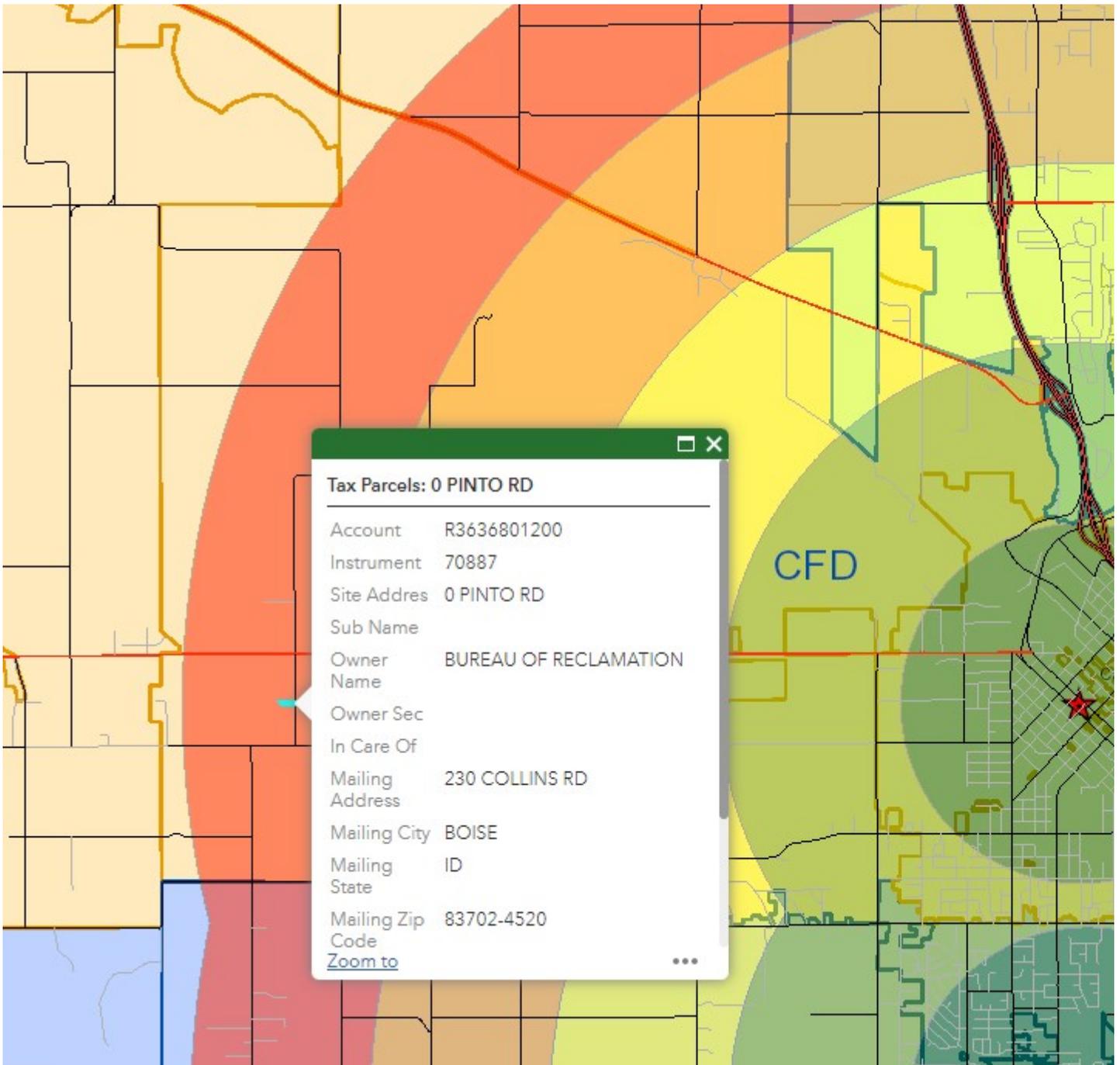
CHD4 does not opposed the requested zoning changes, and requests the Commission make these comments conditions of any approved land use action. Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Canyon Co P&Z_2020_ Lower Pleasant RZ2020-00015 Wilke M-1 Rezone



This area is located in the Canyon County Rural Fire District. There is no utility access available for water supply and emergency response times will be effected due to its remote distance to fire services. Future construction, water supply and emergency access on the site is subject to requirements in the applicable adopted International Fire Code at the time of construction.

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>

Sent: Wednesday, January 11, 2023 3:29 PM

To: 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; Lisa Boyd <lisa.boyd@vallivue.org>; Joseph Palmer <joseph.palmer@vallivue.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; Lisa Richard <lrichard@cityofcaldwell.org>; Alan Perry <aperry@cityofcaldwell.org>; 'CHOPPER@CANYONH4.ORG' <CHOPPER@CANYONH4.ORG>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'kirk@pioneerirrigation.com' <kirk@pioneerirrigation.com>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org'



CITY OF GREENLEAF

20523 North Whittier Drive
Greenleaf, Idaho 83626
www.greenleaf-idaho.us



Sage Huggins
Canyon County Development Services Department
111 North 11th Avenue, Suite 140
Caldwell, ID 83605

via USPS and E-mail (Sage.Huggins@canyoncounty.id.gov)

02 March 2023

RE: CR2022-0024 COMMENTS

Greetings!

Thank you for providing the City of Greenleaf with opportunity to comment on this application for a conditional use re-zone from "A" (Agricultural) zone to a "CR-M-1" (Conditional Rezone – Light Industrial) zone.

INTRODUCTION

The City of Greenleaf is not in opposition to the application as presented, but does have concerns and recommendations.

APPLICATION ANALYSIS

The City is appreciative that the applicant has provided a coherent written narrative and a mostly complete application. The City is also appreciative that the applicant held a neighborhood meeting to determine what potential M-1 light industrial uses would be objectionable to the neighbors, and is proposing restriction of these uses on the property by development agreement as a condition of the re-zone.

The application appears to conform to the Canyon County 2020 Comprehensive Plan and Future Land Use Map.

The application appears to address most of Canyon County Code 07-06-07:6:A Standards of Evaluation for a Conditional Rezone. The application does not appear to address standards #5, #6, and #8, which are as follows:

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;

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Exhibit 6d



CITY OF GREENLEAF

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6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

DISCUSSION OF CONCERNS IN THE APPLICATION SUBMITTED

Reading between the lines, it appears that the applicant may be seeking this conditional re-zone of the property with intent to market the property for sale with development to be done by the purchaser in accordance with M-1 light industrial regulation and additional restrictions of uses as identified through the neighborhood meeting and the development agreement process.

If this is the case, then the current owner should be able to get a better price for the property with the conditioned M-1 zoning designation, the purchaser is pre-positioned to move forward with M-1 development as the neighbor's and County's concerns have been addressed in the development agreement, and the County benefits from M-1 development in accordance with the County's Comprehensive Plan and Future Land Use Map. These would be good things.

If this is the case, then it also explains why the application does not address Canyon County Code 07-06-07:6:A Conditional Rezone standards of evaluation #5 (adequate facilities and uses), #6 (impact on public streets and traffic patterns), and #8 (impact on essential public services and facilities) in the application. These would be unknowable until after the property has sold and the new owner begins conditioned M-1 development of the property per Canyon County Code 07-10-27 Land Use Regulations (Matrix) with development agreement restrictions.

The potential land uses remaining per Canyon County Code 07-10-27 Land Use Regulations (Matrix) and under the proposed CR-M-1 application restrictions include some that may have significant need for sewer, water, drainage, irrigation and utility facilities and/or services (standard of evaluation #5), and/or need for improvement to public roads and traffic patterns (standard of evaluation #6), and/or require increased

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service levels from essential public services and facilities, such as schools, police, fire and emergency medical services (standard of evaluation #6).

It is imperative that the County take action to address these areas of concern in some fashion within this application process. If the County fails to do so, then the public at large is at risk of financially subsidizing future development when political subdivisions of the state are forced to provide increased services in these areas to accommodate the public's need caused by the development, but without mitigation from the development available through this application process.

SUMMARY AND CONCLUSION

The application appears to be as complete as it can be without disclosure of conditioned M-1 land use. The County needs to include provisions in this application process to address Canyon County Code 07-06-07:6:A Conditional Rezone standards of evaluation #5, #6, and #8 in order to limit the risk of the public financially subsidizing future development needs on the property.

RECOMMENDATIONS

The City's recommended actions to the County regarding Canyon County Code 07-06-07:6:A Conditional Rezone standards of evaluation #5, #6, and #8 are as follow:

Standard #5 – Normal development processes, including compliance with building codes, plumbing codes, and other State and local government regulation should adequately protect the public from future utility needs of the majority of potential uses, as the developer determines the utility facilities and services to support the capacity needs of the intended use.

The County should consider including *provision in the development agreement which reflects that standard #5 was not addressed and therefore requires as a condition of the development agreement that the developer work proactively to meet any and all requirements of the applicable jurisdictions for sewer, water, drainage, irrigation, and other utility on-site facility development or service provision.*

It may, or may not, be notable that, if needed, the City of Greenleaf currently has both water and sewer capacity available, and that the City currently provides waste-water treatment services to an industrial customer outside the city limits through a privately

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owned force-main sewer line which delivers into the City's sanitary sewer collection system.

Standard #6 – There is significant risk that if a high road impact land use development is pursued, the local highway jurisdiction may not have a practical 'trigger' or process available to identify and require mitigation, especially if the land use is "A" allowed on the Canyon County Code 07-10-27 Land Use Regulations (Matrix) and not restricted per development agreement.

The County should consider including *provision in the development agreement which reflects that standard #6 was not addressed and therefore requires as a condition of the development agreement that the developer perform a traffic impact study (TIS) once the land use has been determined per Canyon County Code 07-10-27 Land Use Regulations (Matrix) and as conditioned by the CR-M-1 application process, and work proactively to meet any and all requirements of the applicable local highway jurisdiction.*

Standard #8 – Similar to Standard #6 above, there is significant risk that some of the potential land use may have impact on public service levels or require new public assets to provide an acceptable service level. Unlike Standard #6 above, an equivalent to the TIS does not exist for one-stop professional analysis of essential public service needs of multiple various agencies.

The County should consider including *provision in the development agreement which reflects that standard #8 was not addressed and therefore requires as a condition of the development agreement that the developer contact in writing all of the political subdivisions with essential public service jurisdiction utilizing the same general process as required by State Code for agency notification of a Public Hearing including description of the development and land use, and with request for analysis of potential impact to essential public services provided by that agency and any requested mitigation. The condition should also require that the developer work proactively to meet any and all requirements of the applicable jurisdictions for mitigation of essential public services.*

Respectfully Submitted,

Lee C. Belt
Greenleaf City Clerk / Assistant Zoning Official

RE: CR2022-0024 Comments, p.4 of 4

Sage Huggins

From: bob weir <[REDACTED]>
Sent: Friday, March 3, 2023 4:05 PM
To: Sage Huggins
Subject: [External] Case number CR2022-0024

I'm writing about case number CR2022-0024, John and Sherry Anderson. I am unfortunately unable to attend the public hearing on March 15th at 1330.

I would like to express my sincere and robust opposition to the rezoning of irrigated farm ground to CR-M-1. I'm sure you are well aware of the influx of building and restructuring of our county in the past few years. With all these changes, the most devastating is the rezoning being allowed to desecrate our irrigated farm ground. Agriculture is a heritage dear to Idaho. It is the MOST important resource Idaho has to offer, the ability to produce food and crops that feed and provide for people and livestock around the world.

I encourage you with all my heart to keep as much of our land in agriculture as possible! While we are blessed with many irrigated fertile acres, Idaho also boasts many, many acres of land not suitable for Ag. Why are these industrial zones not being proposed in areas not being used for Ag?

As a neighbor of the property in question, I want to encourage you to please keep the agricultural zoning in place. Both from a perspective of feeding America and keeping our neighborhood one of families and agriculture without the encroachment of industrial pollution, noise, and traffic.

Sincerely,

Bobbi Jo Kirk

Daniel Kirk

20149 Lower Pleasant Ridge Rd

Caldwell, ID 83607

[REDACTED]

Sent via the Samsung Galaxy S23+ 5G, an AT&T 5G smartphone

March 10, 2022

Canyon County Planning and Zoning Commission
1115 Albany Street
Caldwell ID 83605

RE: Comprehensive Plan 19372 Lower Pleasant Ridge Rd, Anderson property

Dear Commissioners:

On February 01, 2022, our neighbors held the required neighborhood meeting to discuss the proposed rezone at the above stated property. During that meeting we were advised that the Andersons are going to be applying for a rezone to M-1 light industrial if their property inquiry is not approved. The inquiry involves being allowed to divide the Andersons 50+/- acre property resulting in four (4) splits with natural boundaries.

We neighbors prefer a plan to allow the creation of agriculture/residential acreages. If the M-1 light industrial is approved as proposed, there are many uses that might not be compatible with the current neighborhood. In reading the draft 2030 Comprehensive Plan that is currently under review, there is a constant thread of wanting to preserve the agricultural environment in the county areas. M-1 light industrial in this area would not achieve that goal of country living.

As a neighborhood, we prefer that these property owners would be allowed to proceed with splitting their current land into acreages. We hope that our elected officials will continue to demonstrate accountability to their constituents by protecting both our interests and our farm land.

The Pleasant Ridge Community

<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
Dale Corning	<i>Dale Corning</i>	19004 Lower Pleasant Ridge Caldwell 83607
VIVIAN FERKIN	<i>Vivian Ferkin</i>	19335 LOWER PLEASANT RIDGE
Ty Ferkin	<i>Ty Ferkin</i>	19335 L. Pleasant Ridge
Kayla Lemrick	<i>Kayla Lemrick</i>	19468 Majestic View Pl.
Bobbi Jo Kir	<i>Bobbi Jo Kir</i>	20149 Lower Pleasant Ridge
Cawni Childers	<i>Cawni Childers</i>	19548 Country View Ln.
Chuck Childers	<i>Chuck Childers</i>	19548 Country View Ln.

Exhibit 7b

NAME SIGNATURE ADDRESS

Dundie Lonnie Bence *Dundie Bence* 19222 Upper Pleasant Ridge Rd
Caldwell, ID 83607

Pat Innes *Pat Warren* 19476 Upper Pleasant Ridge Rd
JOHN WARREN *John R Warren*

Mike & Anita Johnston *Amie J Johnston* 19476 Upper Pleasant Ridge Rd.

Sonya House *Sonya House* 19735 Middle Rd Caldwell ID 83607

Dave House *D House* 18472 Lower Pleasant Ridge Rd

Kassi Chadwick *K Chadwick* 18472 Lower Pleasant Ridge Rd

Dan Chadwick *Dan Chadwick* 18450 LOWER PLEASANT RIDGE

Tyler Slate *Tyler Slate* 18450 Lower Pleasant Ridge

Megan Slate *Megan Slate* 19627 Middle Rd

Suzanne Dixon *Suzanne Dixon* 19627 Middle Rd

KIM DIXON *KIM* 19163 Lower Pleasant Rdg. Rd.

Scott Ary *Scott Ary* 19163 LOWER PLEASANT RDG.

Rebbie Ary *Rebbie Ary* 20615 Lower Pleasant Ridge

Lois Sells *Lois Sells* 20615 Lower Pleasant 83606

STEVE SELLS *Steve Sells* 18950 Pride Ln. 83607

Theresa Johnson *Theresa Johnson* 18950 PRIDE LN 83607

MARK FERKIN *Mark Ferkin* 19921 upper Pleasant Ridge 83607
19335 LOWER PLEASANT RIDGE 83607

March 10, 2022

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1115 Albany Street
Caldwell ID 83605

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As a neighborhood, we prefer that these property owners would be allowed to proceed with splitting their current land into acreages. We hope that our elected officials will continue to demonstrate accountability to their constituents by protecting both our interests and our farm land.

The Pleasant Ridge Community

<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
James Lemrick		19468 Majestic View Pl. Caldwell, Id 83607

March 8, 2023

To: Daniel Lister; Canyon County Commissioners; Canyon County Planning and Zoning

From: Brad Benke

Subject: John & Sherry Anderson Public Hearing Case CR2022-0024

I am writing in regard to the application of John and Sherry Anderson to rezone their property from Agriculture to Light Industrial. I stand strongly in opposition to this request.

The light industrial zone for this area has historically been from Highway 19 to the West End Drain. This plan has been an effective and appropriate designation since the parcels north of The West End Drain have highway and rail access. And further, the West End drain provides a clear and distinctive barrier between light industrial and agriculture. Please don't approve this rezoning request to light industrial zoning which would continue to consume and destroy the agricultural-zoned areas south of the West End Drain.

In agreement with all other property owners in this agricultural area, the Andersons have stood in complete opposition to all prior Light Industrial Zoning requests around their property. Until now. Their desire to sell and move out of the area has unfortunately changed their position one hundred and eighty degrees.

The goals (section 13 of the Canyon County 2020 comprehensive plan) of Canyon County's Commissioners are stated below:

- 1) Acknowledge, support and preserve the essential role of agriculture in Canyon County.
- 2) Support and encourage the agricultural use of agricultural lands. And
- 3) Protect agricultural lands and land-uses from incompatible development.

The Anderson property has been farmed since it was taken out of sage brush and is viable for row crop or grazing. To allow this property to be rezoned to light industrial goes against everything the commissioners have stated in their goals. It also invades and further diminishes the presence of agriculture in an area that is still highly ag.

In summary, your decision to reject this request is crucial to all the other surrounding agricultural landowners in this area, and is in lockstep with your comprehensive plan. Please reject this request.

Sage Huggins

From: [REDACTED]
Sent: Thursday, March 9, 2023 10:22 AM
To: Sage Huggins
Subject: [External] Case# CR2022-0024

Dear Commissioners,

We have lived on Lower Pleasant Ridge for 18+ years. During this time we have participated in several Planning and Zoning / Commissioner meeting regarding stopping Ag to M-1 / Light Industrial Zoning that would have been detrimental to the agricultural nature of our community. In 2014 sixty four acres were purchased on Lower Pleasant / Pride Lane to build a “food processing” plant. Our neighborhood came together in force and did its due diligence. It became more and more obvious that this was a possible Ethanol Plant. Definitely not friendly or compatible with our agricultural community. In 2020 our community once again did its homework regarding 40 plus acres on the corner of Wietz and Lower Pleasant. The owners applied for M-1 zoning with a development plan to put in a “small business” strip mall. They were proposing 10 to 15 small business on the property. Once again, the agricultural community came together in force to keep agriculture in our area.

In 2022 the county had a “Growing Together” campaign regarding updating the Comprehensive Plan. A survey was conducted and on the Land Use and Community Design Comment Card several goals were laid out. Goal 4.04.00 Concentrate future growth in and around existing communities while preserving and enhancing the County’s agricultural and rural character. Goal 4:05:00 Maintain agriculture as the principal land use in the County and ensure land use and planning decisions support a robust agricultural economy. Every time agricultural land is given over to M-1 Zoning these goals are lost. This parcel has been growing hay and grazing animals for many years. To approve a rezoning to M-1 / Light Industrial – no matter how many restrictions are made – goes against each of these goals. We are agricultural in this area and are in opposition to the rezoning of a highly agricultural viable property.

Mark and Vivian Ferkin

19335 Lower Pleasant Ridge Rd. Caldwell
[REDACTED]
[REDACTED]

Exhibit 8b

Sage Huggins

From: Cindy Roberts <[REDACTED]>
Sent: Sunday, March 12, 2023 1:09 PM
To: Sage Huggins
Subject: [External] Anderson Rezone Application CR2022-0024

Re: Rezone Request

John and Sherry Anderson

19372 Lower Pleasant Ridge Rd.

Caldwell, ID 83607

R36368 and R36368011

CR2022-0024

My name is Cindy Roberts and I was born and raised on a farm on Lower Pleasant Ridge Road about ¼ mile from the above property. My father, brother, and I have three separate residences within ¼ mile of the Anderson property.

This property was taken out of sagebrush in the 1900's and has since been farmland. Many years ago then owner Harlan Starr sold off the north side of the farm because of access to the railroad. The remaining property that is now requested for rezone has no railroad access.

The Anderson property is farmland and is surrounded by farmland. There are three primary farmers who grow onions, wheat, hay, and many seed crops including beans, carrots, peas, alfalfa and corn.

The farm is located on two rural roads, which have farm equipment, trucks, and local residents. Fast moving traffic is sometimes dangerous as more residents not familiar with slow moving farm equipment use the road. There was a fatal accident one mile west of this location earlier this year. If rezoning is approved, it will negatively impact property values and quality of life of the surrounding homes and farms.

I understand the Andersons want to make the most from their property, but this was purchased as farm ground, and I believe for the greater good of the community and Canyon County agriculture it should remain as agriculture zoning.

Thank you for your consideration to reject this request.

Max and Cindy Roberts
19713 Pride Ln.
Caldwell, ID 83607
[REDACTED]

Sage Huggins

From: Tyler Slate <[REDACTED]>
Sent: Sunday, March 12, 2023 11:24 PM
To: Sage Huggins
Subject: [External] John and Sherry Anderson Rezone Request

Dear Commissioners

I am writing this letter in regards to the application of John and Sherry Anderson wanting to rezone their property from Agricultural to Light Industrial. In this matter I strongly disapprove.

I am a third generation born in the treasure valley and grew up farming in the west Caldwell area with my family. My family has lived above the Anderson's property since 1993. Since having lived by the Anderson's my parents and now myself have been involved in a number of planning and zoning meetings dealing with a number of different things related to rezoning from Agricultural to Light Industrial. Luckily enough our community has come together on every occasion and showed all our disapprovals towards these rezonings; including the Anderson's.

In every single rezone proposal in our area both John and Sherry fought full heartedly to put a stop to the rezones in question from Agriculture to Light Industrial. They knew the negative impacts it would have on our community and it wouldn't be something they would want to hear, see, or possibly smell. They also knew it would be taking more farm ground out of our area.

Now that they are wanting to relocate out of state it is all the sudden alright for them to try and do the very thing they have fought hard against for several years.

The Anderson's property has always been farmed and/or raised cattle. The owners before Anderson's farmed the ground. The Anderson's themselves raised beef cows and in recent years grew Alfalfa hay and Grass hay. The past several years myself or my dad have swathed the Anderson's Alfalfa and Grass hay. In 2022 the Anderson's took out roughly 8 acres of Aflafila hay making it look like a good chunk of their property was not farmable.

By rezoning this property from Agricultural to Light Industrial 100% goes against the 2020 comprehensive plan. You will not be preserving Canyon Country agricultural land at all. By rezoning this property to Light Industrial you will just be destroying more of Canyon Counties precious farm ground as well as negatively affecting our community of farmers out here.

Light industrial should be left on the North side of West End Drain where there is easy access to highway 19 and the railroad. Please reject the request from John and Sherry Anderson on this rezone request.

Tyler Slate

19627 Middle Rd
Caldwell, Idaho

Exhibit 8d

Sage Huggins

From: Dave House <[REDACTED]>
Sent: Tuesday, March 14, 2023 9:03 AM
To: Sage Huggins
Cc: Dave House
Subject: [External] Case CR2022-0024 John and Sherry Anderson

Commissioners and those concerned,

Concerning case CR2022-0024, property of John and Sherry Anderson.

We strongly oppose implementing 19372 Lower Pleasant Ridge Rd to Light Industrial. As you can see this land and surrounding area is primarily agricultural and residential, we want to keep it that way.

This is agricultural land, we need our crops, our farms, our homesteads left as is.

Yes, we need industrial sites, just not here in our community.

The noise is already an issue due to Gayle Manufacturing on the corner of Highway 19 and Weitz.

Traffic is also an issue with speeding, running stop signs, etc. If you add industrial sites you've added more vehicles, more issues.

Thank you,
Sonya House
David House
18472 Lower Pleasant Ridge Rd
Caldwell Idaho

Exhibit 8e

Sage Huggins

From: Kassi Chadwick <[REDACTED]>
Sent: Wednesday, March 15, 2023 8:28 AM
To: Sage Huggins
Subject: [External] CR2022-0024

We are writing in opposition of the rezoning at 19373 Lower Pleasant Ridge Rd.

As a community we have come together many times to keep the agricultural land of our community intact. On many occasions the Andersons were fighting with us, in agreement that agricultural land should stay agricultural and not industrial as this changes everything about our community. We are an agricultural community and as a community we stand against the rezoning of 19373 Lower Pleasant Ridge Rd. To light industrial.

Thank you,
Dan and Kassi Chadwick
18450 Lower Pleasant Ridge Rd

Exhibit 8f